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STUDY MATERIALS
PART IX

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INTERNATIONAL ENVIRONMENTAL LAW
PROFESSOR GÜNTHER HANDL

Codification Division of the United Nations Office of Legal Affairs

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International Environmental Law

Günther Handl

Introduction

International Environmental Governance
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Law-Making Techniques & Soft Law
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Introduction & Background
United Nations Framework Convention on Climate Change & Kyoto Protocol
From Kyoto to Doha and Beyond
Declaration of the United Nations Conference on the Human Environment (Stockholm Declaration), 1972

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 creator 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 tosum 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 or 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, 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 their 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
Rio Declaration on Environment and Development, 1992
Annex I

RIO DECLARATION ON ENVIRONMENT AND DEVELOPMENT

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, a/ 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 society and people,

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

Recognising 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 situations and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International actions in the field of environment and development should also address the interests and needs of all countries.

Principle 7

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

Principle 8

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

Principle 9

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

**Principle 10**

Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided.

**Principle 11**

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

**Principle 12**

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

**Principle 13**

States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage. States shall also cooperate in an expeditious and more determined manner to develop further international law regarding liability and compensation for adverse effects of environmental damage caused by activities within their jurisdiction or control to areas beyond their jurisdiction.

**Principle 14**

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

**Principle 15**

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

**Principle 16**

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

**Principle 17**

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

**Principle 18**

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

**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 fulfillment of the principles embodied in this Declaration and in the further development of international law in the field of sustainable development.
The future we want (Rio+20 outcome document)  
(United Nations General Assembly  
resolution 66/288 of 27 July 2012, annex)
Resolution adopted by the General Assembly

[without reference to a Main Committee (A/66/L.56)]

66/288. The future we want

The General Assembly,

Recalling its resolution 64/236 of 24 December 2009, in which it decided to organize, in 2012, the United Nations Conference on Sustainable Development at the highest possible level, as well as its resolution 66/197 of 22 December 2011,

1. Expresses its profound gratitude to the Government and the people of Brazil for hosting the United Nations Conference on Sustainable Development in Rio de Janeiro from 20 to 22 June 2012, and for providing all the necessary support;


123rd plenary meeting
27 July 2012

Annex

The future we want

I. Our common vision

1. We, the Heads of State and Government and high-level representatives, having met at Rio de Janeiro, Brazil, from 20 to 22 June 2012, with the full participation of civil society, renew our commitment to sustainable development and to ensuring the promotion of an economically, socially and environmentally sustainable future for our planet and for present and future generations.

2. Poverty eradication is the greatest global challenge facing the world today and an indispensable requirement for sustainable development. In this regard, we are committed to freeing humanity from poverty and hunger as a matter of urgency.

3. We therefore acknowledge the need to further mainstream sustainable development at all levels, integrating economic, social and environmental aspects and recognizing their interlinkages, so as to achieve sustainable development in all its dimensions.

4. We recognize that poverty eradication, changing unsustainable and promoting sustainable patterns of consumption and production and protecting and managing the natural resource base of economic and social development are the overarching objectives of and essential requirements for sustainable development. We also reaffirm the need to achieve sustainable development by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion, and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development while facilitating ecosystem conservation, regeneration and restoration and resilience in the face of new and emerging challenges.

5. We reaffirm our commitment to make every effort to accelerate the achievement of the internationally agreed development goals, including the Millennium Development Goals by 2015.

6. We recognize that people are at the centre of sustainable development and, in this regard, we strive for a world that is just, equitable and inclusive, and we commit to work together to promote sustained and inclusive economic growth, social development and environmental protection and thereby to benefit all.

7. We reaffirm that we continue to be guided by the purposes and principles of the Charter of the United Nations, with full respect for international law and its principles.

8. We also reaffirm the importance of freedom, peace and security, respect for all human rights, including the right to development and the right to an adequate standard of living, including the right to food, the rule of law, gender equality, women’s empowerment and the overall commitment to just and democratic societies for development.

9. We reaffirm the importance of the Universal Declaration of Human Rights,1 as well as other international instruments relating to human rights and international law. We emphasize the responsibilities of all States, in conformity with the Charter, to respect, protect and promote human rights and fundamental freedoms for all, without distinction of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, disability or other status.

10. We acknowledge that democracy, good governance and the rule of law, at the national and international levels, as well as an enabling environment, are essential for sustainable development, including sustained and inclusive economic growth, social development, environmental protection and the eradication of poverty and hunger. We reaffirm that, to achieve our sustainable development goals, we need institutions at all levels that are effective, transparent, accountable and democratic.

11. We reaffirm our commitment to strengthen international cooperation to address the persistent challenges related to sustainable development for all, in particular in...
developing countries. In this regard, we reaffirm the need to achieve economic stability, sustained economic growth, the promotion of social equity and the protection of the environment, while enhancing gender equality, women’s empowerment and equal opportunities for all, and the protection, survival and development of children to the full potential, including through education.

12. We resolve to take urgent action to achieve sustainable development. We therefore renew our commitment to sustainable development, assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges. We express our determination to address the themes of the United Nations Conference on Sustainable Development, namely, a green economy in the context of sustainable development and poverty eradication, and the institutional framework for sustainable development.

13. We recognize that opportunities for people to influence their lives and future, participate in decision-making and voice their concerns are fundamental for sustainable development. We underscore that sustainable development requires concrete and urgent action. It can only be achieved with a broad alliance of people, governments, civil society and the private sector, all working together to secure the future we want for present and future generations.

II. Renewing political commitment

A. Reaffirming the Rio Principles and past action plans


15. We reaffirm all the principles of the Rio Declaration on Environment and Development, 8 including, inter alia, the principle of common but differentiated responsibilities, as set out in principle 7 thereof.

16. We reaffirm our commitment to fully implement the Rio Declaration, Agenda 21, 9 the Programme for the Further Implementation of Agenda 21, 10 the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation) 11 and the Johannesburg Declaration on Sustainable Development, 12 the Programme of Action for the Sustainable Development of Small Island Developing States (Barbados Programme of Action) 13 and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States. 9 We also reaffirm our commitment to the full implementation of the Programme of Action for the Least Developed Countries (for the Decade 2011–2020 (Istanbul Programme of Action). 10

17. We recognize the importance of the three Rio conventions for advancing sustainable development, and in this regard we urge all parties to fully implement their commitments under the United Nations Framework Convention on Climate Change, 23 the Convention on Biological Diversity 24 and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. 25 in accordance with their

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3 Ibid., annex II.
4 Resolution S-19/2, annex.
6 Ibid., resolution 1, annex.
7 Ibid., resolution 1, annex.
9 Ibid., resolution 2, annex.
10 Ibid., resolution 3, annex.
14 See resolution 63/1.
15 A/57/704, annex.
16 See resolution 59/2.
17 See resolution 60/1.
19 Resolution S-21/2, annex.
20 See resolution 60/1.
23 See resolution 63/1.
24 Ibid., annex II.
26 Ibid., vol. 1760, No. 30619.
27 Ibid., vol. 1954, No. 33480.
respective principles and provisions, as well as to take effective and concrete actions and measures at all levels and enhance international cooperation.

18. We are determined to reinvigorate political will and to raise the level of commitment by the international community to move the sustainable development agenda forward, through the achievement of the internationally agreed development goals, including the Millennium Development Goals. We further reaffirm our respective commitments to other relevant internationally agreed goals in the economic, social and environmental fields since 1992. We therefore resolve to take concrete measures that accelerate implementation of sustainable development commitments.

B. Advancing integration, implementation and coherence: assessing the progress to date and the remaining gaps in the implementation of the outcomes of the major summits on sustainable development and addressing new and emerging challenges

19. We recognize that the twenty years since the United Nations Conference on Environment and Development in 1992 have seen uneven progress, including in sustainable development and poverty eradication. We emphasize the need to make progress in implementing previous commitments. We also recognize the need to accelerate progress in closing development gaps between developed and developing countries, and to seize and create opportunities to achieve sustainable development through economic growth and diversification, social development and environmental protection. To this end, we underscore the continued need for an enabling environment at the national and international levels, as well as continued and strengthened international cooperation, particularly in the areas of finance, debt, trade and technology transfer, as mutually agreed, and innovation, entrepreneurship, capacity-building, transparency and accountability. We recognize the diversification of actors and stakeholders engaged in the pursuit of sustainable development. In this context, we affirm the continued need for the full and effective participation of all countries, in particular developing countries, in global decision-making.

20. We acknowledge that, since 1992, there have been areas of insufficient progress and setbacks in the integration of the three dimensions of sustainable development, aggravated by multiple financial, economic, food and energy crises, which have threatened the ability of all countries, in particular developing countries, to achieve sustainable development. In this regard, it is critical that we do not backtrack from our commitment to the outcome of the United Nations Conference on Environment and Development. We also recognize that one of the current major challenges for all countries, particularly for developing countries, is the impact from the multiple crises affecting the world today.

21. We are deeply concerned that one in five people on this planet, or over 1 billion people, still live in extreme poverty, and that one in seven — or 14 per cent — is undernourished, while public health challenges, including pandemics and epidemics, remain omnipresent threats. In this context, we note the ongoing discussions in the General Assembly on human security. We acknowledge that with the world’s population projected to exceed 9 billion by 2050, with an estimated two thirds living in cities, we need to increase our efforts to achieve sustainable development and, in particular, the eradication of poverty, hunger and preventable diseases.

22. We recognize examples of progress in sustainable development at the regional, national, subnational and local levels. We note that efforts to achieve sustainable development have been reflected in regional, national and subnational policies and plans, and that governments have strengthened their commitment to sustainable development since the adoption of Agenda 21 through legislation and institutions, and the development and implementation of international, regional and subregional agreements and commitments.

23. We reaffirm the importance of supporting developing countries in their efforts to eradicate poverty and promote empowerment of the poor and people in vulnerable situations, including removing barriers to opportunity, enhancing productive capacity, developing sustainable agriculture and promoting full and productive employment and decent work for all, complemented by effective social policies, including social protection schemes, with a view to achieving the internationally agreed development goals, including the Millennium Development Goals.

24. We express deep concern about the continuing high levels of unemployment and underemployment, particularly among young people, and note the need for sustainable development strategies to proactively address youth employment at all levels. In this regard, we recognize the need for a global strategy on youth and employment building on the work of the International Labour Organization.

25. We acknowledge that climate change is a cross-cutting and persistent crisis, and express our concern that the scale and gravity of the negative impacts of climate change affect all countries and undermine the ability of all countries, in particular, developing countries, to achieve sustainable development and the Millennium Development Goals, and threaten the viability and survival of nations. Therefore, we underscore that combating climate change requires urgent and ambitious action, in accordance with the principles and provisions of the United Nations Framework Convention on Climate Change.

26. States are strongly urged to refrain from promulgating and applying any unilateral economic, financial or trade measures not in accordance with international law and the Charter that impede the full achievement of economic and social development, particularly in developing countries.

27. We reiterate our commitment, expressed in the Johannesburg Plan of Implementation, the 2005 World Summit Outcome and the outcome document of the High-level Plenary Meeting of the General Assembly on the Millennium Development Goals of 2010, to take further effective measures and actions, in conformity with international law, to remove the obstacles to the full realization of the right of self-determination of peoples living under colonial and foreign occupation, which continue to adversely affect their economic and social development as well as their environment, are incompatible with the dignity and worth of the human person and must be combated and eliminated.

28. We reaffirm that, in accordance with the Charter, this shall not be construed as authorizing or encouraging any action against the territorial integrity or political independence of any State.

29. We resolve to take further effective measures and actions, in conformity with international law, to remove obstacles and constraints, strengthen support and meet the special needs of people living in areas affected by complex humanitarian emergencies and in areas affected by terrorism.

30. We recognize that many people, especially the poor, depend directly on ecosystems for their livelihoods, their economic, social and physical well-being, and their cultural heritage. For this reason, it is essential to generate decent jobs and incomes that decrease disparities in standards of living in order to better meet people’s needs and promote sustainable livelihoods and practices and the sustainable use of natural resources and ecosystems.
31. We emphasize that sustainable development must be inclusive and people-centred, benefiting and involving all people, including youth and children. We recognize that gender equality and women’s empowerment are important for sustainable development and our common future. We reaffirm our commitments to ensure women’s equal rights, access and opportunities for participation and leadership in the economy, society and political decision-making.

32. We recognize that each country faces specific challenges to achieve sustainable development, and we underscore the special challenges facing the most vulnerable countries and, in particular, African countries, least developed countries, landlocked developing countries and small island developing States, as well as the specific challenges facing the middle-income countries. Countries in situations of conflict also need special attention.

33. We reaffirm our commitment to take urgent and concrete action to address the vulnerability of small island developing States, including through the sustained implementation of the Barbados Programme of Action and the Mauritius Strategy, and underscore the urgency of finding additional solutions to the major challenges facing small island developing States in a concerted manner so as to support them in sustaining momentum realized in implementing the Barbados Programme of Action and the Mauritius Strategy and achieving sustainable development.

34. We reaffirm that the Istanbul Programme of Action outlines the priorities of least developed countries for sustainable development and defines a framework for renewed and strengthened global partnership to implement them. We commit to assist the least developed countries with the implementation of the Istanbul Programme of Action as well as in their efforts to achieve sustainable development.

35. We recognize that more attention should be given to Africa and the implementation of previously agreed commitments related to its development needs that were made at major United Nations summits and conferences. We note that aid to Africa has increased in recent years. However, it still lags behind commitments that were previously made. We underscore the key priority for the international community of supporting Africa’s sustainable development efforts. In this regard, we recommit to fully implement the internationally agreed commitments related to Africa’s development needs, particularly those contained in the Millennium Declaration, the United Nations Declaration on the New Partnership for Africa’s Development, the Monterrey Consensus, the Johannesburg Plan of Implementation and the 2005 World Summit Outcome, as well as the 2008 political declaration on Africa’s development needs.

36. We recognize the serious constraints to achieving sustainable development in all its three dimensions in landlocked developing countries. In this regard, we reaffirm our commitment to address the special development needs and the challenges faced by landlocked developing countries through the full, timely and effective implementation of the Almaty Programme of Action, as contained in the declaration on the midterm review of the Almaty Programme of Action.

37. We recognize the progress made by middle-income countries in improving the well-being of their people, as well as the specific development challenges they face in their efforts to eradicate poverty, reduce inequalities and achieve their development goals, including the Millennium Development Goals, and to achieve sustainable development in a comprehensive manner integrating the economic, social and environmental dimensions. We reiterate that these efforts should be adequately supported by the international community, in various forms, taking into account the needs and the capacity to mobilize domestic resources of these countries.

38. We recognize the need for broader measures of progress to complement gross domestic product in order to better inform policy decisions, and in this regard we request the United Nations Statistical Commission, in consultation with relevant United Nations system entities and other relevant organizations, to launch a programme of work in this area, building on existing initiatives.

39. We recognize that planet Earth and its ecosystems are our home and that “Mother Earth” is a common expression in a number of countries and regions, and we note that some countries recognize the rights of nature in the context of the promotion of sustainable development. We are convinced that in order to achieve a just balance among the economic, social and environmental needs of present and future generations, it is necessary to promote harmony with nature.

40. We call for holistic and integrated approaches to sustainable development that will guide humanity to live in harmony with nature and lead to efforts to restore the health and integrity of the Earth’s ecosystem.

41. We acknowledge the natural and cultural diversity of the world, and recognize that all cultures and civilizations can contribute to sustainable development.

C. Engaging major groups and other stakeholders

42. We reaffirm the key role of all levels of government and legislative bodies in promoting sustainable development. We further acknowledge efforts and progress made at the local and subnational levels, and recognize the important role that such authorities and communities can play in implementing sustainable development, including by engaging citizens and stakeholders and providing them with relevant information, as appropriate, on the three dimensions of sustainable development. We further acknowledge the importance of involving all relevant decision makers in the planning and implementation of sustainable development policies.

43. We underscore that broad public participation and access to information and judicial and administrative proceedings are essential to the promotion of sustainable development. Sustainable development requires the meaningful involvement and active participation of regional, national and subnational legislatures and judiciaries, and all major groups: women, children and youth, indigenous peoples, non-governmental organizations, local authorities, workers and trade unions, business and industry, the scientific and technological community, and farmers, as well as other stakeholders, including local communities, volunteer groups and foundations, migrants and families, as well as older persons and persons with disabilities. In this regard, we agree to work more closely with the major groups and other stakeholders, and encourage their active participation, as appropriate, in processes that contribute to decision-making, planning and implementation of policies and programmes for sustainable development at all levels.

44. We acknowledge the role of civil society and the importance of enabling all members of civil society to be actively engaged in sustainable development. We recognize that improved participation of civil society depends upon, inter alia, strengthening access to information and building civil society capacity and an
enabling environment. We recognize that information and communications technology is facilitating the flow of information between governments and the public. In this regard, it is essential to work towards improved access to information and communications technology, especially broadband networks and services, and bridge the digital divide, recognizing the contribution of international cooperation in this regard.

45. We underscore that women have a vital role to play in achieving sustainable development. We recognize the leadership role of women, and we resolve to promote gender equality and women's empowerment and to ensure their full and effective participation in sustainable development policies, programmes and decision-making at all levels.

46. We acknowledge that the implementation of sustainable development will depend on the active engagement of both the public and the private sectors. We recognize that the active participation of the private sector can contribute to the achievement of sustainable development, including through the important tool of public-private partnerships. We support national regulatory and policy frameworks that enable business and industry to advance sustainable development initiatives, taking into account the importance of corporate social responsibility. We call upon the private sector to engage in responsible business practices, such as those promoted by the United Nations Global Compact.

47. We acknowledge the importance of corporate sustainability reporting, and encourage companies, where appropriate, especially publicly listed and large companies, to consider integrating sustainability information into their reporting cycle. We encourage industry, interested governments and relevant stakeholders, with the support of the United Nations system, as appropriate, to develop models for best practice and facilitate action for the integration of sustainability reporting, taking into account experiences from already existing frameworks and paying particular attention to the needs of developing countries, including for capacity-building.

48. We recognize the important contribution of the scientific and technological community to sustainable development. We are committed to working with and fostering collaboration among the academic, scientific and technological community, in particular in developing countries, to close the technological gap between developing and developed countries and strengthen the science-policy interface, as well as to foster international research collaboration on sustainable development.

49. We stress the importance of the participation of indigenous peoples in the achievement of sustainable development. We also recognize the importance of the United Nations Declaration on the Rights of Indigenous Peoples28 in the context of global, regional, national and subnational implementation of sustainable development strategies.

50. We stress the importance of the active participation of young people in decision-making processes, as the issues we are addressing have a deep impact on present and future generations and as the contribution of children and youth is vital to the achievement of sustainable development. We also recognize the need to promote intergenerational dialogue and solidarity by recognizing their views.

51. We stress the importance of the participation of workers and trade unions in the promotion of sustainable development. As the representatives of working people, trade unions are important partners in facilitating the achievement of sustainable development, in particular the social dimension. Information, education and training on sustainability at all levels, including in the workplace, are key to strengthening the capacity of workers and trade unions to support sustainable development.

52. We recognize that farmers, including small-scale farmers and fisherfolk, pastoralists and foresters, can make important contributions to sustainable development through production activities that are environmentally sound, enhance food security and the livelihood of the poor and invigorate production and sustained economic growth.

53. We note the valuable contributions that non-governmental organizations could and do make in promoting sustainable development through their well-established and diverse experience, expertise and capacity, especially in the area of analysis, the sharing of information and knowledge, promotion of dialogue and support of implementation of sustainable development.

54. We recognize the central role of the United Nations in advancing the sustainable development agenda. We acknowledge as well, in this regard, the contributions of other relevant international organizations, including international financial institutions and multilateral development banks, and stress the importance of cooperation among them and with the United Nations, within their respective mandates, recognizing their role in mobilizing resources for sustainable development.

55. We commit ourselves to reinvigorating the global partnership for sustainable development that we launched in Rio de Janeiro in 1992. We recognize the need to impart new momentum to our cooperative pursuit of sustainable development, and commit to work together with major groups and other stakeholders in addressing implementation gaps.

III. Green economy in the context of sustainable development and poverty eradication

56. We affirm that there are different approaches, visions, models and tools available to each country, in accordance with its national circumstances and priorities, to achieve sustainable development in its three dimensions which is our overarching goal. In this regard, we consider green economy in the context of sustainable development and poverty eradication as one of the important tools available for achieving sustainable development and that it could provide options for policymaking but should not be a rigid set of rules. We emphasize that it should contribute to eradicating poverty as well as sustained economic growth, enhancing social inclusion, improving human welfare and creating opportunities for employment and decent work for all, while maintaining the healthy functioning of the Earth's ecosystems.

57. We affirm that policies for green economy in the context of sustainable development and poverty eradication should be guided by and in accordance with all the Rio Principles, Agenda 21 and the Johannesburg Plan of Implementation and contribute towards achieving relevant internationally agreed development goals, including the Millennium Development Goals.

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58. We affirm that green economy policies in the context of sustainable development and poverty eradication should:

(a) Be consistent with international law;

(b) Respect each country’s national sovereignty over their natural resources, taking into account its national circumstances, objectives, responsibilities, priorities and policy space with regard to the three dimensions of sustainable development;

(c) Be supported by an enabling environment and well-functioning institutions at all levels, with a leading role for governments and with the participation of all relevant stakeholders, including civil society;

(d) Promote sustained and inclusive economic growth, foster innovation and provide opportunities, benefits and empowerment for all and respect for all human rights;

(e) Take into account the needs of developing countries, particularly those in special situations;

(f) Strengthen international cooperation, including the provision of financial resources, capacity-building and technology transfer to developing countries;

(g) Effectively avoid unwarranted conditionalities on official development assistance and finance;

(h) Not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade, avoid unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country and ensure that environmental measures addressing transboundary or global environmental problems, as far as possible, are based on international consensus;

(i) Contribute to closing technology gaps between developed and developing countries and reduce the technological dependence of developing countries, using all appropriate measures;

(j) Enhance the welfare of indigenous peoples and their communities, other local and traditional communities and ethnic minorities, recognizing and supporting their identity, culture and interests, and avoid endangering their cultural heritage, practices and traditional knowledge, preserving and respecting non-market approaches that contribute to the eradication of poverty;

(k) Enhance the welfare of women, children, youth, persons with disabilities, smallholder and subsistence farmers, fisherfolk and those working in small and medium-sized enterprises, and improve the livelihoods and empowerment of the poor and vulnerable groups, in particular in developing countries;

(l) Mobilize the full potential and ensure the equal contribution of both women and men;

(m) Promote productive activities in developing countries that contribute to the eradication of poverty;

(n) Address the concern about inequalities and promote social inclusion, including social protection floors;

(o) Promote sustainable consumption and production patterns;

(p) Continue efforts to strive for inclusive, equitable development approaches to overcome poverty and inequality.

59. We view the implementation of green economy policies by countries that seek to apply them for the transition towards sustainable development as a common undertaking, and we recognize that each country can choose an appropriate approach in accordance with national sustainable development plans, strategies and priorities.

60. We acknowledge that green economy in the context of sustainable development and poverty eradication will enhance our ability to manage natural resources sustainably and with lower negative environmental impacts, increase resource efficiency and reduce waste.

61. We recognize that urgent action on unsustainable patterns of production and consumption where they occur remains fundamental in addressing environmental sustainability and promoting conservation and sustainable use of biodiversity and ecosystems, regeneration of natural resources and the promotion of sustained, inclusive and equitable global growth.

62. We encourage each country to consider the implementation of green economy policies in the context of sustainable development and poverty eradication, in a manner that endeavours to drive sustained, inclusive and equitable economic growth and job creation, particularly for women, youth and the poor. In this respect, we note the importance of ensuring that workers are equipped with the necessary skills, including through education and capacity-building, and are provided with the necessary social and health protections. In this regard, we encourage all stakeholders, including business and industry, to contribute, as appropriate. We invite governments to improve knowledge and statistical capacity on job trends, developments and constraints and integrate relevant data into national statistics, with the support of relevant United Nations agencies within their mandates.

63. We recognize the importance of the evaluation of the range of social, environmental and economic factors, and encourage, where national circumstances and conditions allow, their integration into decision-making. We acknowledge that it will be important to take into account the opportunities and challenges, as well as the costs and benefits, of green economy policies in the context of sustainable development and poverty eradication, using the best available scientific data and analysis. We acknowledge that a mix of measures, including regulatory, voluntary and others applied at the national level and consistent with obligations under international agreements, could promote green economy in the context of sustainable development and poverty eradication. We reaffirm that social policies are vital to promoting sustainable development.

64. We acknowledge that involvement of all stakeholders and their partnerships, networking and experience-sharing at all levels could help countries to learn from one another in identifying appropriate sustainable development policies, including green economy policies. We note the positive experiences in some countries, including in developing countries, in adopting green economy policies in the context of sustainable development and poverty eradication through an inclusive approach, and welcome the voluntary exchange of experiences, as well as capacity-building, in the different areas of sustainable development.

65. We recognize the power of communications technologies, including connection technologies and innovative applications, to promote knowledge exchange, technical cooperation and capacity-building for sustainable development. These technologies and applications can build capacity and enable the sharing of experiences and knowledge in the different areas of sustainable development in an open and transparent manner.
Recognizing the importance of linking financing, technology, capacity-building and the development and implementation of environmentally sound policies, we shall strengthen cooperation with relevant donors and international organizations, to coordinate and provide information upon request on:

- Development, transfer and diffusion of environmentally sound technologies and corresponding know-how, in particular in developing countries, on a balanced basis and at a pace consistent with national priorities and the development strategies and priorities of developing countries.
- Models or good examples of policies on green economy in the context of sustainable development.
- Methodologies for evaluation of policies on green economy in the context of sustainable development.

We underscore the importance of governments taking a leadership role in developing policies and strategies through an inclusive and transparent process. We also take note of the efforts of developing countries that choose to implement green economy policies in the context of sustainable development and poverty eradication, in particular in least developed countries. We emphasize the importance of technology transfer to developing countries, and recall the provisions on technology transfer, finance, access to information and intellectual property rights, as agreed in the Johannesburg Plan of Implementation.

We recognize the critical role of technology as well as the importance of promoting innovation, in particular in developing countries. We invite governments, as appropriate, to create enabling frameworks that foster environmentally sound technology, research and development, and innovation, including in support of green economy in the context of sustainable development and poverty eradication.

We encourage existing and new partnerships, including public-private partnerships, to mobilize public financing complemented by the private sector, to support green economy policies in the context of sustainable development and poverty eradication, in particular in least developed countries.

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We encourage existing and new partnerships, including public-private partnerships, to mobilize public financing complemented by the private sector, to support green economy policies in the context of sustainable development and poverty eradication, in particular in least developed countries.
(f) Engage high-level political leaders, provide policy guidance and identify specific actions to promote effective implementation of sustainable development, including through voluntary sharing of experiences and lessons learned;

(g) Promote the science-policy interface through inclusive, evidence-based and transparent scientific assessments, as well as access to reliable, relevant and timely data in areas related to the three dimensions of sustainable development, building on existing mechanisms, as appropriate; in this regard, strengthen participation of all countries in international sustainable development processes and capacity-building especially for developing countries, including in conducting their own monitoring and assessments;

(h) Enhance the participation and effective engagement of civil society and other relevant stakeholders in the relevant international forums and, in this regard, promote transparency and broad public participation and partnerships to implement sustainable development;

(i) Promote the review and stocktaking of progress in the implementation of all sustainable development commitments, including commitments related to means of implementation.

B. Strengthening intergovernmental arrangements for sustainable development

77. We acknowledge the vital importance of an inclusive, transparent, reformed, strengthened and effective multilateral system in order to better address the urgent global challenges of sustainable development today, recognizing the universality and central role of the United Nations and reaffirming our commitment to promote and strengthen the effectiveness and efficiency of the United Nations system.

78. We underscore the need to strengthen United Nations system-wide coherence and coordination, while ensuring appropriate accountability to Member States, by, inter alia, enhancing coherence in reporting and reinforcing cooperative efforts under existing inter-agency mechanisms and strategies to advance the integration of the three dimensions of sustainable development within the United Nations system, including through exchange of information among its agencies, funds and programmes, and also with the international financial institutions and other relevant organizations such as the World Trade Organization, within their respective mandates.

79. We emphasize the need for an improved and more effective institutional framework for sustainable development which should be guided by the specific functions required and mandates involved; address the shortcomings of the current system; take into account all relevant implications; promote synergies and coherence; seek to avoid duplication and eliminate unnecessary overlaps within the United Nations system; and reduce administrative burdens and build on existing arrangements.

General Assembly

80. We reaffirm the role and authority of the General Assembly on global matters of concern to the international community, as set out in the Charter.

81. We further reaffirm the central position of the General Assembly as the chief deliberative, policymaking and representative organ of the United Nations. In this regard, we call for the Assembly to further integrate sustainable development as a key element of the overarching framework for United Nations activities and adequately address sustainable development in its agenda-setting, including through periodic high-level dialogues.

Economic and Social Council

82. We reaffirm that the Economic and Social Council is a principal body for policy review, policy dialogue and recommendations on issues of economic and social development and for the follow-up to the Millennium Development Goals, and is a central mechanism for the coordination of the United Nations system and supervision of the subsidiary bodies of the Council, in particular its functional commissions, and for promoting the implementation of Agenda 21 by strengthening system-wide coherence and coordination. We also reaffirm the major role the Council plays in the overall coordination of funds, programmes and specialized agencies, ensuring coherence among them and avoiding duplication of mandates and activities.

83. We commit to strengthen the Economic and Social Council within its mandate under the Charter, as a principal organ in the integrated and coordinated follow-up of the outcomes of all major United Nations conferences and summits in the economic, social, environmental and related fields, and recognize its key role in achieving a balanced integration of the three dimensions of sustainable development. We look forward to the review of the implementation of General Assembly resolution 61/16 of 20 November 2006 on the strengthening of the Council.

High-level political forum

84. We decide to establish a universal, intergovernmental, high-level political forum, building on the strengths, experiences, resources and inclusive participation modalities of the Commission on Sustainable Development, and subsequently replacing the Commission. The high-level political forum shall follow up on the implementation of sustainable development and should avoid overlap with existing structures, bodies and entities in a cost-effective manner.

85. The high-level forum could:

(a) Provide political leadership, guidance and recommendations for sustainable development;

(b) Enhance integration of the three dimensions of sustainable development in a holistic and cross-sectoral manner at all levels;

(c) Provide a dynamic platform for regular dialogue and for stocktaking and agenda-setting to advance sustainable development;

(d) Have a focused, dynamic and action-oriented agenda, ensuring the appropriate consideration of new and emerging sustainable development challenges;

(e) Follow up and review progress in the implementation of sustainable development commitments contained in Agenda 21, the Johannesburg Plan of Implementation, the Barbados Programme of Action, the Mauritius Strategy and the outcome of the present Conference and, as appropriate, relevant outcomes of other United Nations summits and conferences, including the outcome of the Fourth
United Nations Conference on the Least Developed Countries, as well as their respective means of implementation;

(f) Encourage high-level system-wide participation of United Nations agencies, funds and programmes and invite to participate, as appropriate, other relevant multilateral financial and trade institutions and treaty bodies, within their respective mandates and in accordance with United Nations rules and provisions;

(g) Improve cooperation and coordination within the United Nations system on sustainable development programmes and policies;

(h) Promote transparency and implementation by further enhancing the consultative role and participation of major groups and other relevant stakeholders at the international level in order to better make use of their expertise, while retaining the intergovernmental nature of discussions;

(i) Promote the sharing of best practices and experiences relating to the implementation of sustainable development and, on a voluntary basis, facilitate sharing of experiences, including successes, challenges and lessons learned;

(j) Promote system-wide coherence and coordination of sustainable development policies;

(k) Strengthen the science-policy interface through review of documentation, bringing together dispersed information and assessments, including in the form of a global sustainable development report, building on existing assessments;

(l) Enhance evidence-based decision-making at all levels and contribute to strengthening ongoing capacity-building for data collection and analysis in developing countries.

86. We decide to launch an intergovernmental and open, transparent and inclusive negotiation process under the General Assembly to define the format and organizational aspects of the high-level forum, with the aim of convening the first high-level forum at the beginning of the sixty-eighth session of the Assembly. We will also consider the need for promoting intergenerational solidarity for the achievement of sustainable development, taking into account the needs of future generations, including by inviting the Secretary-General to present a report on this issue.

C. Environmental pillar in the context of sustainable development

87. We reaffirm the need to strengthen international environmental governance within the context of the institutional framework for sustainable development in order to promote a balanced integration of the economic, social and environmental dimensions of sustainable development, as well as coordination within the United Nations system.

88. We are committed to strengthening the role of the United Nations Environment Programme as the leading global environmental authority that sets the global environmental agenda, promotes the coherent implementation of the environmental dimension of sustainable development within the United Nations system and serves as an authoritative advocate for the global environment. We reaffirm General Assembly resolution 2997 (XXVII) of 15 December 1972 establishing the United Nations Environment Programme and other relevant resolutions that reinforce its mandate, as well as the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme of 7 February 1997 and the Malmö Ministerial Declaration of 31 May 2000. In this regard, we invite the Assembly, at its sixty-seventh session, to adopt a resolution strengthening and upgrading the United Nations Environment Programme in the following manner:

(a) Establish universal membership in the Governing Council of the United Nations Environment Programme, as well as other measures to strengthen its governance as well as its responsiveness and accountability to Member States;

(b) Have secure, stable, adequate and increased financial resources from the regular budget of the United Nations and voluntary contributions to fulfil its mandate;

(c) Enhance the voice of the United Nations Environment Programme and its ability to fulfil its coordination mandate within the United Nations system by strengthening its engagement in key United Nations coordination bodies and empowering it to lead efforts to formulate United Nations system-wide strategies on the environment;

(d) Promote a strong science-policy interface, building on existing international instruments, assessments, panels and information networks, including the Global Environment Outlook, as one of the processes aimed at bringing together information and assessment to support informed decision-making;

(e) Disseminate and share evidence-based environmental information, and raise public awareness on critical, as well as emerging, environmental issues;

(f) Provide capacity-building to countries, as well as support, and facilitate access to technology;

(g) Progressive consolidate headquarters functions in Nairobi, as well as strengthen its regional presence, in order to assist countries, upon request, in the implementation of their national environmental policies, collaborating closely with other relevant entities of the United Nations system;

(h) Ensure the active participation of all relevant stakeholders, drawing on best practices and models from relevant multilateral institutions and exploring new mechanisms to promote transparency and the effective engagement of civil society.

89. We recognize the significant contributions to sustainable development made by the multilateral environmental agreements. We acknowledge the work already undertaken to enhance synergies among the three conventions in the chemicals and waste cluster (Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and Stockholm Convention on Persistent Organic Pollutants). We encourage parties to multilateral environmental agreements to consider further
measures, in these and other clusters, as appropriate, to promote policy coherence at all relevant levels, improve efficiency, reduce unnecessary overlap and duplication and enhance coordination and cooperation among the multilateral environmental agreements, including the three Rio conventions, as well as with the United Nations system in the field.

90. We stress the need for the continuation of a regular review of the state of the Earth’s changing environment and its impact on human well-being, and in this regard we welcome such initiatives as the Global Environment Outlook process aimed at bringing together environmental information and assessments and building national and regional capacity to support informed decision-making.

D. International financial institutions and United Nations operational activities

91. We recognize that sustainable development should be given due consideration by the programmes, funds and specialized agencies of the United Nations system and other relevant entities such as international financial institutions and the United Nations Conference on Trade and Development, in accordance with their respective existing mandates. In this regard, we invite them to further enhance the mainstreaming of sustainable development in their respective mandates, programmes, strategies and decision-making processes, in support of the efforts of all countries, in particular developing countries, in the achievement of sustainable development.

92. We reaffirm the importance of broadening and strengthening the participation of developing countries in international economic decision-making and norm-setting and, in this regard, take note of recent important decisions on reform of the governance structures, quotas and voting rights of the Bretton Woods institutions, better reflecting current realities and enhancing the voice and participation of developing countries, and reiterate the importance of the reform of the governance of those institutions in order to deliver more effective, credible, accountable and legitimate institutions.

93. We call for the further mainstreaming of the three dimensions of sustainable development throughout the United Nations system, and request the Secretary-General to report to the General Assembly, through the Economic and Social Council, on the progress made in this regard. We also call for and recognize the importance of the strengthening of policy coordination within key structures of the Secretariat of the United Nations so as to ensure system-wide coherence in support of sustainable development, while ensuring accountability to Member States.

94. We invite the governing bodies of the funds, programmes and specialized agencies of the United Nations development system to consider appropriate measures for integrating the social, economic and environmental dimensions across the operational activities of the United Nations system. We also emphasize that increasing the financial contributions to the United Nations development system is key to achieving the internationally agreed development goals, including the Millennium Development Goals, and in this regard we recognize the mutually reinforcing links among increased effectiveness, efficiency and coherence of the United Nations development system, achieving concrete results in assisting developing countries in eradicating poverty and achieving sustained economic growth and sustainable development.

95. We emphasize the need to strengthen operational activities for development of the United Nations system in the field that are well aligned with national sustainable development priorities of developing countries. In this regard, we emphasize that the fundamental characteristics and principles of United Nations operational activities set forth in the relevant General Assembly resolutions provide the overarching framework for all matters pertaining to the United Nations development assistance operations in the field. We recognize the importance of strengthening United Nations system coordination. We look forward to receiving the outcome of the independent evaluation of the “Delivering as one” initiative.

96. We call upon the United Nations system to improve the management of facilities and operations, by taking into account economic and environmental data and information, as well as effective analysis and assessment of implementation, building on existing efforts and promoting cost-effectiveness, and in accordance with legislative frameworks, including financial rules and regulations, while maintaining accountability to Member States.

E. Regional, national, subnational and local levels

97. We acknowledge the importance of the regional dimension of sustainable development. Regional frameworks can complement and facilitate effective translation of sustainable development policies into concrete action at the national level.

98. We encourage regional, national, subnational and local authorities, as appropriate, to develop and utilize sustainable development strategies as key instruments for guiding decision-making and implementation of sustainable development at all levels, and in this regard we recognize that integrated social, economic and environmental data and information, as well as effective analysis and assessment of implementation, are important in decision-making processes.

99. We encourage action at the regional, national, subnational and local levels to promote access to information, public participation and access to justice in environmental matters, as appropriate.

100. We emphasize that regional and subregional organizations, including the United Nations regional commissions and their subregional offices, have a significant role to play in promoting a balanced integration of the economic, social and environmental dimensions of sustainable development in their respective regions. We underscore the need to support these institutions, including through the United Nations system, in the effective operationalization and implementation of sustainable development, and to facilitate institutional coherence and harmonization of relevant development policies, plans and programmes. In this regard, we urge these institutions to prioritize sustainable development through, inter alia, more efficient and effective capacity-building, development and implementation of regional agreements and arrangements as appropriate, and exchange of information, best practices and lessons learned. We also welcome regional and cross-regional initiatives for sustainable development. We, furthermore, recognize the need to ensure effective linkage among global, regional, subregional and national processes to advance sustainable development. We encourage the enhancement of the United Nations regional commissions and their subregional offices in their respective capacities to support Member States in implementing sustainable development.

101. We underline the need for more coherent and integrated planning and decision-making at the national, subnational and local levels as appropriate, and to this end we call upon countries to strengthen national, subnational and/or local institutions or relevant multi-stakeholder bodies and processes, as appropriate, dealing with sustainable development, including to coordinate on matters of sustainable
108. We reaffirm our commitments regarding the right of everyone to have access to safe, sufficient and nutritious food, consistent with the right to adequate food and nutrition, and to enable effective integration of the three dimensions of sustainable development.

109. We recognize that a significant portion of the world’s population is living in rural areas, and that rural communities play an important role in the economic development of many countries. We emphasize the need to provide support to rural areas, including through initiatives that promote small-scale, environmentally sustainable agriculture, and encourage the use of appropriate and affordable technologies, including for efficient irrigation, use of biofuels and biogas, and soil conservation. We also recognize the importance of ensuring that rural women and men have equal rights and access to resources, as well as equal access to services, markets and decision-making processes.

110. We encourage the development of partnerships, including with civil society organizations, the private sector and the academic community, to promote sustainable development and to address the challenges faced in rural areas.

111. We reaffirm the necessity to promote, enhance and support more sustainable agriculture, including crops, livestock, forestry, fisheries and aquaculture, that improves food security, eradicates hunger and poverty, and protects the environment.

112. We stress the need to enhance sustainable livestock production systems, including by improving pasture land and grazing systems, in line with national policies, legislation, rules and regulations, and support in-country capacity to sustainably manage livestock production systems.
We reaffirm the important work and inclusive nature of the Committee on World Food Security, including through its role in facilitating country-initiated assessments on sustainable food production and food security, and we encourage countries to give due consideration to implementing the Committee on World Food Security Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security. We take note of the ongoing discussions on responsible agricultural investment and the role of the Committee on World Food Security, as well as the principles for responsible agricultural investment.

We reaffirm support for the implementation of national and subnational policies and strategies, including the principles for responsible agricultural investment, to promote agricultural and rural development in developing countries and to support farmers, especially smallholder farmers, including women, in community, domestic. We endorse and support the voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security.

We recognize the critical role of energy services for basic human needs. We stress that these services are essential to social inclusion and gender equality, and that energy is also a key input to production. We commit to facilitate access to energy services for 1.4 billion people worldwide who are currently without them. We recognize that access to these services is critical for achieving sustainable development.

We affirm the need to adopt measures to significantly reduce water pollution and increase water quality, significantly improve wastewater treatment and water efficiency and reduce water losses. In order to achieve this, we stress the need for international assistance and cooperation.

We underline the importance of timely, accurate and transparent information in helping to address excessive food price volatility, and in this regard take note of the Agricultural Market Information System hosted by the Food and Agriculture Organization of the United Nations and urge the participating international organizations, private sector actors and governments to ensure the public dissemination of timely and quality food market information products.

We reaffirm that a universal, rules-based, open, non-discriminatory and equitable multilateral trading system will promote agricultural and rural development and contribute to world food security. We reaffirm the importance of integrating water into sustainable development, and underline the critical importance of water and sanitation within the three dimensions of sustainable development.

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We reaffirm the critical role that energy plays in the development process, as access to sustainable modern energy services contributes to poverty eradication, sustainable economic growth, social inclusion and empowerment, and to improve health and help provide basic human needs. We stress the need to adopt measures to significantly reduce water pollution and increase water quality, significantly improve wastewater treatment and water efficiency and reduce water losses. In order to achieve this, we stress the need for international assistance and cooperation.

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modern energy services for all through national and subnational efforts, inter alia, on electrification and dissemination of sustainable cooking and heating solutions, including through collaborative efforts.

128. We recognize that improving energy efficiency, increasing the share of renewable energy and cleaner and energy-efficient technologies are important for sustainable development, including in addressing climate change. We also recognize the need for energy efficiency measures in urban planning, buildings and transportation and in the production of goods and services and the design of products. We also recognize the importance of the energy mix, including promoting research and development in all countries, including developing countries.

129. We note the launching of the “Sustainable Energy for All” initiative by the Secretary-General, which focuses on access to energy, energy efficiency and renewable energies. We are all determined to act to make sustainable energy for all a reality and, through this, help to combat climate change and reduce poverty. We recognize that, to be effective, the implementation of this initiative and the access to energy needs to take into account the need for international support to developing countries in this regard.

Sustainable tourism

130. We emphasize that well-designed and managed tourism can make a significant contribution to the three dimensions of sustainable development, close linkages and the need for access to energy. In this regard, we recognize the activities of countries in sustainable tourism, including measures in urban planning and in the production of goods and services.

131. We encourage the promotion of sustainable tourism, including traditional tourism, as an effective way to promote economic growth and development, to conserve cultural and natural heritage and to improve the living conditions of local communities. We also encourage the development of sustainable tourism policies that support inclusive housing and social services, safe and healthy living environments for all, particularly children, women and elders, and the promotion of tourism and the environment. We also encourage the implementation of international cooperation for tourism, including research and development.

Sustainable cities and human settlements

134. We recognize that, if they are well planned and developed, including through integrated planning and management approaches, cities can promote economically, socially and environmentally sustainable development. We also recognize the need for energy efficiency and conservation, including the promotion of energy efficiency and conservation, ensuring the sound and responsible use of energy, including the promotion of energy efficiency and conservation, and the promotion of energy efficiency and conservation.

135. We commit to promote an integrated approach to planning and building sustainable cities and urban settlements, including the promotion of energy efficiency and conservation in urban planning and in the production of goods and services.

Sustainable transport

136. We emphasize the importance of increasing the number of metropolitan regions, cities and towns that are implementing policies for sustainable urban planning and design in order to respond to the needs of the population, including the poor, in decision-making. We also commit to promote sustainable transport policies that support inclusive housing and social services, safe and healthy living environments for all, particularly children, women and elders, and the promotion of tourism and the environment. We also encourage the implementation of international cooperation for tourism, including research and development.

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importance of mixed-use planning and of encouraging non-motorized mobility, including by promoting pedestrian and cycling infrastructures.

We recognize that partnerships among cities and communities play an important role in promoting sustainable development. In this regard, we stress the need to strengthen existing partnerships and to establish new ones, as well as to facilitate the exchange of information and good practices. We encourage the establishment of partnerships between the United Nations and civil society organizations, including the United Nations Human Settlements Programme, to promote the implementation of the Habitat Agenda.

We also recognize the importance of universal health coverage, both as a goal in itself and as a means to promote other development goals. Universal health coverage includes access to essential health services, including reproductive health services, and protection against financial risk. We commit to ensuring that all people have access to the health care they need.

We commit to reduce maternal and child mortality and to improve the health and nutrition of women, children, and adolescents. We also commit to reducing the maternal and child mortality rate by two-thirds by 2015, and to achieving universal access to reproductive health services.

We recognize the importance of addressing the spread of HIV and AIDS, malaria, tuberculosis, and other communicable diseases. We commit to supporting countries in their efforts to control and prevent these diseases, and to strengthen health systems.

We commit to promoting sustainable development and to achieving the Millennium Development Goals by 2015. We commit to strengthening the international financial and trade systems, and to promoting the rule of law at the international level. We commit to promoting democracy, human rights, and the rule of law, and to promoting the empowerment of women.
148. We are concerned about labour market conditions and widespread deficits of available decent work opportunities, especially for young women and men. We urge all governments to address the global challenge of youth employment by developing and implementing strategies and policies that provide young people everywhere access to decent and productive work, as over the coming decades, decent jobs will need to be created to be able to ensure sustainable and inclusive development and reduce poverty.

149. We recognize the importance of job creation by investing in and developing sound, effective and efficient economic and social infrastructure and productive capacities for sustainable development and sustained, inclusive and equitable economic growth. We call upon countries to enhance infrastructure investment for sustainable development, and we agree to support United Nations funds, programmes and agencies to help to assist and promote the efforts of developing countries, particularly the least developed countries, in this regard.

150. We recognize the importance of job creation by adopting forward-looking macroeconomic policies that promote sustainable development and lead to sustained, inclusive and equitable economic growth, increase productive employment opportunities and promote agricultural and industrial development.

151. We emphasize the need to enhance employment and income opportunities for all, especially for women and men living in poverty, and in this regard we support national efforts to provide new job opportunities to the poor in both rural and urban areas, including support to small and medium-sized enterprises.

152. We recognize that workers should have access to education, skills, health care, social security, fundamental rights at work, social and legal protections, including occupational safety and health, and decent work opportunities. Governments, trade unions, workers and employers all have a role to play in promoting decent work for all, and all should help young people to gain access to needed skills and employment opportunities, including in new and emerging sectors. Women and men should have equal access to opportunities to acquire job skills, as well as to worker protections. We recognize the importance of a just transition, including programmes to help workers to adjust to changing labour market conditions.

153. We also recognize that informal unpaid work, performed mostly by women, contributes substantially to human well-being and sustainable development. In this regard, we commit to work towards safe and decent working conditions and access to social protection and education.

154. We recognize that opportunities for decent work for all and job creation can be generated through, inter alia, public and private investments in scientific and technological innovation, public works in restoring, regenerating and conserving natural resources and ecosystems, and social and community services. We are encouraged by government initiatives to create jobs for poor people in restoring and managing natural resources and ecosystems, and we encourage the private sector to contribute to decent work for all and job creation for both women and men, and particularly for young people, including through partnerships with small and medium-sized enterprises and cooperatives. In this regard, we acknowledge the importance of efforts to promote the exchange of information and knowledge on decent work for all and job creation, including green jobs initiatives and related skills, and to facilitate the integration of relevant data into national economic and employment policies.

155. We encourage the sharing of experiences and best practices on ways to address the high levels of unemployment and underemployment, in particular among young people.

156. We stress the need to provide social protection to all members of society, fostering growth, resilience, social justice and cohesion, including those who are not employed in the formal economy. In this regard, we strongly encourage national and local initiatives aimed at providing social protection floors for all citizens. We support global dialogue on best practices for social protection programmes that takes into account the three dimensions of sustainable development and, in this regard, we note International Labour Organization Recommendation No. 202 concerning national floors of social protection.

157. We call upon States to promote and protect effectively the human rights and fundamental freedoms of all migrants regardless of migration status, especially those of women and children, and to address international migration through international, regional or bilateral cooperation and dialogue and a comprehensive and balanced approach, recognizing the roles and responsibilities of countries of origin, transit and destination in promoting and protecting the human rights of all migrants, and avoiding approaches that might aggravate their vulnerability.

Oceans and seas

158. We recognize that oceans, seas and coastal areas form an integrated and essential component of the Earth’s ecosystem and are critical to sustaining it, and that international law, as reflected in the United Nations Convention on the Law of the Sea, provides the legal framework for the conservation and sustainable use of the oceans and their resources. We stress the importance of the conservation and sustainable use of the oceans and seas and of their resources for sustainable development, including through their contributions to poverty eradication, sustained economic growth, food security and creation of sustainable livelihoods and decent work, while at the same time protecting biodiversity and the marine environment and addressing the impacts of climate change. We therefore commit to protect, and restore, the health, productivity and resilience of oceans and marine ecosystems, to maintain their biodiversity, enabling their conservation and sustainable use for present and future generations, and to effectively apply an ecosystem approach and the precautionary approach in the management, in accordance with international law, of activities having an impact on the marine environment, to deliver on all three dimensions of sustainable development.

159. We recognize the importance of the Convention on the Law of the Sea to advancing sustainable development and its near universal adoption by States, and in this regard we urge all its parties to fully implement their obligations under the Convention.

160. We recognize the importance of building the capacity of developing countries to be able to benefit from the conservation and sustainable use of the oceans and seas and their resources, and in this regard we emphasize the need for cooperation in marine scientific research to implement the provisions of the Convention on the Law of the Sea and the outcomes of the major summits on sustainable development, as well as for the transfer of technology, taking into account the Intergovernmental
Oceanographic Commission

A/RES/66/288

A/RES/66/288


167. We stress our concern about the potential environmental impacts of ocean fertilization. In this regard, we recall the decisions related to ocean fertilization adopted by the relevant General Assembly resolutions and guidelines of the Food and Agriculture Organization of the United Nations.

168. We commit to intensify our efforts to meet the 2015 target as agreed to in the JohnHughes Plan of Implementation to maintain or restore stocks to levels that can achieve the maximum sustainable yield on an urgent basis.

169. We urge States parties to the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks to fully implement that Agreement and to give it due consideration by the Assembly. We encourage consideration by States of the assessment findings at appropriate levels.

170. We acknowledge that illegal, unreported and unregulated fishing deprive many countries of a crucial natural resource and remain a persistent threat to their sustainable development. We recommit to eliminate illegal, unreported and unregulated fishing by 2025, as agreed to in the JohnHughes Plan of Implementation, and to prevent and combat these practices, including by the following: developing, implementing and implementing the Code of Conduct for Responsible Fisheries, the Code of Conduct for Responsible Fishing; implementing, in accordance with international law, effective and coordinated measures by coastal States, flag States, port States, chartering nations and the States of nationality of the beneficial owner of fishing vessels engaged in such fishing and by depriving offenders of the benefits accruing from it; as well as cooperating with the International Maritime Organization.

See intergovernmental Oceanographic Commission, document IOC/INF-1203 (United Nations publication, Sales No. E.98.V.11).

41 See Intergovernmental Oceanographic Commission, document IOC/INF-1203 (United Nations publication, Sales No. E.98.V.11).

42 See A/51/116, annex II.


44 International Fisheries Instruments with Index (United Nations publication, Sales No. E.98.XI.1).
with developing countries to systematically identify needs and build capacity, including support for monitoring, control, surveillance, compliance and enforcement systems.

171. We call upon States that have signed the Food and Agriculture Organization of the United Nations Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing 45 to expedite procedures for its ratification with a view to its early entry into force.

172. We recognize the need for transparency and accountability in fisheries management by regional fisheries management organizations. We recognize the efforts already made by those regional fisheries management organizations that have undertaken independent performance reviews, and call upon all regional fisheries management organizations to regularly undertake such reviews and make the results publicly available. We encourage implementation of the recommendations of such reviews and recommend that the comprehensiveness of those reviews be strengthened over time, as necessary.

173. We reaffirm our commitment in the Johannesburg Plan of Implementation to eliminate subsidies that contribute to illegal, unreported and unregulated fishing and overcapacity, taking into account the importance of this sector to developing countries, and we reiterate our commitment to conclude multilateral disciplines on fisheries subsidies that will give effect to the mandates of the World Trade Organization Doha Development Agenda 46 and the Hong Kong Ministerial Declaration 47 to strengthen disciplines on subsidies in the fisheries sector, including through the prohibition of certain forms of fisheries subsidies that contribute to overcapacity and overfishing, recognizing that appropriate and effective special and differential treatment for developing and least developed countries should be an integral part of World Trade Organization fisheries subsidies negotiation, taking into account the importance of the sector to development priorities, poverty reduction and livelihood and food security concerns. We encourage States to further improve the transparency and reporting of existing fisheries subsidies programmes through the World Trade Organization. Given the state of fisheries resources, and without prejudicing the Doha and Hong Kong ministerial mandates on fisheries subsidies or the need to conclude these negotiations, we encourage States to eliminate subsidies that contribute to overcapacity and overfishing, and to refrain from introducing new such subsidies or from extending or enhancing existing ones.

174. We urge the identification and mainstreaming by 2014 of strategies that further assist developing countries, in particular the least developed countries and small island developing States, in developing their national capacity to conserve, sustainably manage and realize the benefits of sustainable fisheries, including through improved market access for fish products from developing countries.

175. We commit to observe the need to ensure access to fisheries and the importance of access to markets, by subsistence, small-scale and artisanal fisherfolk and women fish workers, as well as indigenous peoples and their communities, particularly in developing countries, especially small island developing States.

176. We also recognize the significant economic, social and environmental contributions of coral reefs, in particular to islands and other coastal States, as well as the significant vulnerability of coral reefs and mangroves to impacts, including from climate change, ocean acidification, overfishing, destructive fishing practices and pollution. We support international cooperation with a view to conserving coral reef and mangrove ecosystems and realizing their social, economic and environmental benefits, as well as facilitating technical collaboration and voluntary information-sharing.

177. We reaffirm the importance of area-based conservation measures, including marine protected areas, consistent with international law and based on best available scientific information, as a tool for conservation of biological diversity and sustainable use of its components. We note decision X/2 of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, held in Nagoya, Japan, from 18 to 29 October 2010, that, by 2020, 10 per cent of coastal and marine areas, especially areas of particular importance for biodiversity and ecosystem services, are to be conserved through effectively and equitably managed, ecologically representative and well-connected systems of protected areas and other effective area-based conservation measures.

Small island developing States

178. We reaffirm that small island developing States remain a special case for sustainable development in view of their unique and particular vulnerabilities, including their small size, remoteness, narrow resource base and exposure to global environmental challenges and external economic shocks, including to a large range of impacts from climate change and potentially more frequent and intense natural disasters. We note with concern that the outcome of the five-year review of the Mauritius Strategy 48 concluded that small island developing States have made less progress than most other groupings, or even regressed, in economic terms, especially in terms of poverty reduction and debt sustainability. Sea-level rise and other adverse impacts of climate change continue to pose a significant risk to small island developing States and their efforts to achieve sustainable development and, for many, represent the gravest of threats to their survival and viability, including for some through the loss of territory. We also remain concerned that, while small island developing States have progressed in the areas of gender, health, education and the environment, their overall progress towards achieving the Millennium Development Goals has been uneven.

179. We call for continued and enhanced efforts to assist small island developing States in implementing the Barbados Programme of Action and the Mauritius Strategy. We also call for a strengthening of United Nations system support to small island developing States in keeping with the multiple ongoing and emerging challenges faced by these States in achieving sustainable development.

180. Building on the Barbados Programme of Action and the Mauritius Strategy, we call for the convening in 2014 of a third international conference on small island developing States, recognizing the importance of coordinated, balanced and integrated actions to address the sustainable development challenges facing small island developing States, and we invite the General Assembly at its sixty-seventh session to determine the modalities of the conference.

46 See A/C.2/56/7, annex.
47 World Trade Organization, document WT/MIN(05)/14/ECH.
48 See United Nations Environment Programme, document UNEP/CBD/COP/10/27, annex E.
49 See resolution 65/2.
Least developed countries

181. We agree to effectively implement the Istanbul Programme of Action and to fully integrate its priority areas into the present framework for action, the broader implementation of which will contribute to the overarching goal of the Istanbul Programme of Action of enabling half the least developed countries to meet the criteria for graduation by 2020.

Landlocked developing countries

182. We invite Member States, including development partners, organizations of the United Nations system and other relevant international, regional and subregional organizations, to speed up further the implementation of the specific actions in the five priorities agreed upon in the Almaty Programme of Action and those contained in the declaration on the midterm review of the Almaty Programme of Action, in a better coordinated manner, in particular for the construction, maintenance and improvement of transport, storage and other transit-related facilities, including alternative routes, completion of missing links and improved communications and energy infrastructure, so as to support the sustainable development of landlocked developing countries.

Africa

183. While we acknowledge that some progress has been made towards the fulfilment of international commitments related to Africa's development needs, we emphasize that significant challenges remain in achieving sustainable development on the continent.

184. We call upon the international community to enhance support and fulfill its commitments to advance action in areas critical to Africa's sustainable development, and welcome the efforts by development partners to strengthen cooperation with the New Partnership for Africa's Development. We also welcome the progress made by African countries in deepening democracy, human rights, good governance and sound economic management, and encourage African countries to continue their efforts in this regard. We invite all Africa's development partners, in particular developed countries, to support African countries in strengthening human capacities and democratic institutions, consistent with their priorities and objectives, with a view to furthing Africa's development at all levels, including by facilitating the transfer of technology needed by African countries as mutually agreed. We recognize the continued efforts by African countries to create enabling environments for inclusive growth in support of sustainable development and the need for the international community to make continued efforts to increase the flow of new and additional resources for financing for development from all sources, public and private, domestic and foreign, to support these development efforts by African countries, and welcome the various important initiatives established between African countries and their development partners in this regard.

Regional efforts

185. We encourage coordinated regional actions to promote sustainable development. We recognize, in this regard, that important steps have been taken to promote sustainable development, in particular in the Arab region, Latin America and the Caribbean and the Asia-Pacific region, through relevant forums, including within the United Nations regional commissions. While noting that challenges remain in several areas, the international community welcomes these efforts, and the results already achieved, and calls for actions at all levels for their further development and implementation.

Disaster risk reduction

186. We reaffirm our commitment to the Hyogo Framework for Action 2005–2015: Building the Resilience of Nations and Communities to Disasters, and call for States, the United Nations system, the international financial institutions, subregional, regional and international organizations and civil society to accelerate implementation of the Hyogo Framework for Action and the achievement of its goals. We call for disaster risk reduction and the building of resilience to disasters to be addressed with a renewed sense of urgency in the context of sustainable development and poverty eradication and, as appropriate, to be integrated into policies, plans, programmes and budgets at all levels and considered within relevant future frameworks. We invite governments at all levels, as well as relevant subregional, regional and international organizations, to commit to adequate, timely and predictable resources for disaster risk reduction in order to enhance the resilience of cities and communities to disasters, according to their own circumstances and capacities.

187. We recognize the importance of early warning systems as part of effective disaster risk reduction at all levels in order to reduce economic and social damages, including the loss of human life, and in this regard encourage States to integrate such systems into their national disaster risk reduction strategies and plans. We encourage donors and the international community to enhance international cooperation in support of disaster risk reduction in developing countries, as appropriate, through technical assistance, technology transfer as mutually agreed, capacity-building and training programmes. We further recognize the importance of comprehensive hazard and risk assessments, and knowledge- and information-sharing, including reliable geospatial information. We commit to undertake and strengthen in a timely manner risk assessment and disaster risk reduction instruments.

188. We stress the importance of stronger interlinkages among disaster risk reduction, recovery and long-term development planning, and call for more coordinated and comprehensive strategies that integrate disaster risk reduction and climate change adaptation considerations into public and private investment, decision-making and the planning of humanitarian and development actions, in order to reduce risk, increase resilience and provide a smoother transition between relief, recovery and development. In this regard, we recognize the need to integrate a gender perspective into the design and implementation of all phases of disaster risk management.

189. We call for all relevant stakeholders, including governments, international, regional and subregional organizations, the private sector and civil society, to take appropriate and effective measures, taking into account the three dimensions of sustainable development, including by strengthening coordination and cooperation to reduce exposure to risk for the protection of people, and infrastructure and other national assets, from the impact of disasters, in line with the Hyogo Framework for Action and any post-2015 framework for disaster risk reduction.
Climate change

190. We reaffirm that climate change is one of the greatest challenges of our time, and we express profound alarm that emissions of greenhouse gases continue to rise globally. We are deeply concerned that all countries, particularly developing countries, are vulnerable to the adverse impacts of climate change and are already experiencing increased impacts, including persistent drought and extreme weather events, sea-level rise, coastal erosion and ocean acidification, further threatening food security and efforts to eradicate poverty and achieve sustainable development. In this regard, we emphasize that adaptation to climate change represents an immediate and urgent global priority.

191. We underscore 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, with a view to accelerating the reduction of global greenhouse gas emissions. We recall that the United Nations Framework Convention on Climate Change provides that 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. We note with grave concern the significant gap between the aggregate effect of mitigation pledges by parties in terms of global annual emissions of greenhouse gases by 2020 and aggregate emission pathways consistent with a likely chance of holding the increase in global average temperature below 2°C or 1.5°C above pre-industrial levels. We recognize the importance of mobilizing funding from a variety of sources, public and private, bilateral and multilateral, including innovative sources of finance, to support nationally appropriate mitigation actions, adaptation measures, technology development and transfer and capacity-building in developing countries. In this regard, we welcome the launch of the Green Climate Fund, and call for its prompt operationalization so as to have an early and adequate replenishment process.

192. We urge parties to the United Nations Framework Convention on Climate Change and parties to the Kyoto Protocol thereto to fully implement their commitments, as well as decisions adopted under those agreements. In this regard, we will build upon the progress achieved, including at the seventeenth session of the Conference of the Parties to the Convention and the seventh session of the Conference of the Parties serving as the Meeting of the Parties to the Kyoto Protocol, held in Durban, South Africa, from 28 November to 9 December 2011.

Forests

193. We highlight the social, economic and environmental benefits of forests to people and the contributions of sustainable forest management to the themes and objective of the United Nations Conference on Sustainable Development. We support cross-sectoral and cross-institutional policies promoting sustainable forest management. We reaffirm that the wide range of products and services that forests provide creates opportunities to address many of the most pressing sustainable development challenges. We call for enhanced efforts to achieve the sustainable management of forests, reforestation, restoration and afforestation, and we support all efforts that effectively slow, halt and reverse deforestation and forest degradation, including promoting trade in legally harvested forest products. We note the importance of such ongoing initiatives as reducing emissions from deforestation and forest degradation in developing countries, and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries. We call for increased efforts to strengthen forest governance frameworks and means of implementation, in accordance with the non-legally binding instrument on all types of forests, in order to achieve sustainable forest management. To this end, we commit to improving the livelihoods of people and communities by creating the conditions needed for them to sustainably manage forests, including by strengthening cooperation arrangements in the areas of finance, trade, transfer of environmentally sound technologies, capacity-building and governance, as well as by promoting secure land tenure, particularly with regard to decision-making and benefit-sharing, in accordance with national legislation and priorities.

194. We call for urgent implementation of the non-legally binding instrument on all types of forests and the ministerial declaration of the high-level segment of the ninth session of the United Nations Forum on Forests on the occasion of the launch of the International Year of Forests.

195. We recognize that the United Nations Forum on Forests, with its universal membership and comprehensive mandate, plays a vital role in addressing forest-related issues in a holistic and integrated manner and promoting international policy coordination and cooperation to achieve sustainable forest management. We invite the Collaborative Partnership on Forests to continue its support to the Forum and encourage stakeholders to remain actively engaged in the work of the Forum.

196. We stress the importance of integrating sustainable forest management objectives and practices into the mainstream of economic policy and decision-making, and to that end we commit to working through the governing bodies of member organizations of the Collaborative Partnership on Forests to integrate, as appropriate, the sustainable management of all types of forests into their strategies and programmes.

Biodiversity

197. We reaffirm the intrinsic value of biological diversity, as well as the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its critical role in maintaining ecosystems that provide essential services, which are critical foundations for sustainable development and human well-being. We recognize the severity of the global loss of biodiversity and the degradation of ecosystems, and emphasize that these undermine global development, affecting food security and nutrition, the provision of and access to water and the health of the rural poor and of people worldwide, including present and future generations. This highlights the importance of the conservation of biodiversity, enhancing habitat connectivity and building ecosystem resilience. We recognize that the traditional knowledge, innovations and practices of indigenous peoples and local communities make an important contribution to the conservation and sustainable use of biodiversity, and their wider application can support social well-being and sustainable livelihoods. We further recognize that indigenous peoples and local communities are often the most directly

52 Resolution 62/98, annex.
dependent on biodiversity and ecosystems and thus are often the most immediately affected by their loss and degradation.

198. We reiterate our commitment to the achievement of the three objectives of the Convention on Biological Diversity, and call for urgent actions that effectively reduce the rate of, halt and reverse the loss of biodiversity. In this context, we affirm the importance of implementing the Strategic Plan for Biodiversity 2011–2020 and achieving the Aichi Biodiversity Targets adopted by the Conference of the Parties to the Convention at its tenth meeting.55

199. We note the adoption of the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from Their Utilization to the Convention on Biological Diversity,56 and we invite parties to the Convention on Biological Diversity to ratify or accede to the Protocol, so as to ensure its entry into force at the earliest possible opportunity. We acknowledge the role of access and benefit-sharing arising from the utilization of genetic resources in contributing to the conservation and sustainable use of biological diversity, poverty eradication and environmental sustainability.

200. We welcome the strategy for resource mobilization in support of the achievement of the three objectives of the Convention on Biological Diversity, including the commitment to substantially increasing resources from all sources in support of biodiversity, in accordance with decisions taken at the Conference of the Parties at its tenth meeting.

201. We support mainstreaming the consideration of the socioeconomic impacts and benefits of the conservation and sustainable use of biodiversity and its components, as well as ecosystems that provide essential services, into relevant programmes and policies at all levels, in accordance with national legislation, circumstances and priorities. We encourage investments, through appropriate incentives and policies, which support the conservation and sustainable use of biological diversity and restoration of degraded ecosystems, consistent and in harmony with the Convention on Biological Diversity and other relevant international obligations.

202. We agree to promote international cooperation and partnerships, as appropriate, and information exchange, and in this context we welcome the United Nations Decade on Biodiversity, 2011–2020, for the purpose of encouraging the active involvement of all stakeholders in the conservation and sustainable use of biodiversity, as well as access to and the fair and equitable sharing of benefits arising from the utilization of genetic resources, with the vision of living in harmony with nature.

203. We recognize the important role of the Convention on International Trade in Endangered Species of Wild Fauna and Flora,54 an international agreement that stands at the intersection between trade, the environment and development, promotes the conservation and sustainable use of biodiversity, should contribute to tangible benefits for local people and ensures that no species entering into international trade is threatened with extinction. We recognize the economic, social and environmental impacts of illicit trafficking in wildlife, where firm and strengthened action needs to be taken on both the supply and demand sides. In this regard, we emphasize the importance of effective international cooperation among relevant multilateral environmental agreements and international organizations. We further stress the importance of basing the listing of species on agreed criteria.

204. We take note of the establishment of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services, and invite an early commencement of its work in order to provide the best available policy-relevant information on biodiversity to assist decision makers.

Desertification, land degradation and drought

205. We recognize the economic and social significance of good land management, including soil, particularly its contribution to economic growth, biodiversity, sustainable agriculture and food security, eradicating poverty, women’s empowerment, addressing climate change and improving water availability. We stress that desertification, land degradation and drought are challenges of a global dimension and continue to pose serious challenges to the sustainable development of all countries, in particular developing countries. We also stress the particular challenges this poses for Africa, the least developed countries and the landlocked developing countries. In this regard, we express deep concern at the devastating consequences of cyclical drought and famine in Africa, in particular in the Horn of Africa and the Sahel region, and call for urgent action through short-, medium- and long-term measures at all levels.

206. We recognize the need for urgent action to reverse land degradation. In view of this, we will strive to achieve a land-degradation-neutral world in the context of sustainable development. This should act to catalyse financial resources from a range of public and private sources.

207. We reaffirm our resolve, in accordance with the United Nations Convention to Combat Desertification, to take coordinated action nationally, regionally and internationally, to monitor, globally, land degradation and restore degraded lands in arid, semi-arid and dry sub-humid areas. We resolve to support and strengthen the implementation of the Convention and the ten-year strategic plan and framework to enhance its implementation (2008–2018),57 including by mobilizing adequate, predictable and timely financial resources. We note the importance of mitigating the effects of desertification, land degradation and drought, including by preserving and developing oases, restoring degraded lands, improving soil quality and improving water management, in order to contribute to sustainable development and poverty eradication. In this regard, we encourage and recognize the importance of partnerships and initiatives for the safeguarding of land resources. We also encourage capacity-building, extension training programmes and scientific studies and initiatives aimed at deepening understanding and raising awareness of the economic, social and environmental benefits of sustainable land management policies and practices.

208. We stress the importance of the further development and implementation of scientifically based, sound and socially inclusive methods and indicators for monitoring and assessing the extent of desertification, land degradation and drought, as well as the importance of efforts under way to promote scientific research and strengthen the scientific base of activities to address desertification and drought in accordance with the United Nations Convention to Combat Desertification. In this respect, we take note of the decision of the Conference of the Parties to the Convention at its tenth session, held in Changwon City, Republic of Korea, from 10 to 21 October 2011, to establish an ad hoc working group, taking into account

55 A/C.2/62/7, annex.
regional balance, to discuss specific options for the provision of scientific advice to its parties.\footnote{See ICCD/COP(10)/31/Add.1, decision 20/COP.10.}

209. We reiterate the need for cooperation through the sharing of climate and weather information and forecasting and early warning systems related to desertification, land degradation and drought, as well as to dust storms and sandstorms, at the global, regional and subregional levels. In this regard, we invite States and relevant organizations to cooperate in the sharing of related information, forecasting and early warning systems.

Mountains

210. We recognize that the benefits derived from mountain regions are essential for sustainable development. Mountain ecosystems play a crucial role in providing water resources to a large portion of the world’s population; fragile mountain ecosystems are particularly vulnerable to the adverse impacts of climate change, deforestation and forest degradation, land use change, land degradation and natural disasters; and mountain glaciers around the world are retreating and getting thinner, with increasing impacts on the environment and human well-being.

211. We further recognize that mountains are often home to communities, including indigenous peoples and local communities, that have developed sustainable uses of mountain resources. These communities are, however, often marginalized, and we therefore stress that continued effort will be required to address poverty, food security and nutrition, social exclusion and environmental degradation in these areas. We invite States to strengthen cooperative action with effective involvement and sharing of experience of all relevant stakeholders, by strengthening existing arrangements, agreements and centres of excellence for sustainable mountain development, as well as exploring new arrangements and agreements, as appropriate.

212. We call for greater efforts towards the conservation of mountain ecosystems, including their biodiversity. We encourage States to adopt a long-term vision and holistic approaches, including by incorporating mountain-specific policies into national sustainable development strategies, which could include, inter alia, poverty alleviation, food security and nutrition, social exclusion and environmental degradation in these areas. We invite States to strengthen cooperative action with effective involvement and sharing of experience of all relevant stakeholders, by strengthening existing arrangements, agreements and centres of excellence for sustainable mountain development, as well as exploring new arrangements and agreements, as appropriate.

213. We recognize that the sound management of chemicals is crucial for the protection of human health and the environment. We further recognize that growing global production and use of chemicals and their prevalence in the environment calls for increased international cooperation. We reaffirm our aim to achieve, by 2020, the sound management of chemicals throughout their life cycle and of hazardous waste in ways that lead to minimization of significant adverse effects on human health and the environment, as set out in the Johannesburg Plan of Implementation. We also reaffirm our commitment to an approach for the sound management of chemicals and waste, at all levels, that responds in an effective, efficient, coherent and coordinated manner to new and emerging issues and challenges, and encourage further progress across countries and regions in order to fill the gaps in the implementation of commitments.

214. We call for the effective implementation and strengthening of the Strategic Approach to International Chemicals Management\footnote{See the report of the International Conference on Chemicals Management on the work of its first session (SAICM/ICCM.1/7), annexes I–III.} as part of a robust, coherent, effective and efficient system for the sound management of chemicals throughout their life cycle, including to respond to emerging challenges.

215. We are deeply concerned that many countries, in particular the least developed countries, lack the capacity for sound management of chemicals and waste throughout their life cycles. Additional efforts are needed to enhance work towards strengthening capacities, including through partnerships, technical assistance and improved governance structures. We encourage countries and organizations which have made progress towards achieving the goal of sound management of chemicals by 2020 to assist other countries by sharing knowledge, experience and best practices.

216. We commend the increased coordination and cooperation among chemical and waste conventions, namely the Basel Convention, the Rotterdam Convention and the Stockholm Convention, and encourage continued enhanced coordination and cooperation among them and with the Strategic Approach to International Chemicals Management. We take note of the important role of the regional and coordinating centres of the Basel Convention and of those of the Stockholm Convention.

217. We commend existing public-private partnerships, and call for continued, new and innovative public-private partnerships among industry, governments, academia and other non-governmental stakeholders, aiming to enhance capacity and technology for environmentally sound chemicals and waste management, including for waste prevention.

218. We recognize the importance of adopting a life-cycle approach and of further development and implementation of policies for resource efficiency and environmentally sound waste management. We therefore commit to further reduce, reuse and recycle waste (the 3Rs) and to increase energy recovery from waste, with a view to managing the majority of global waste in an environmentally sound manner and, where possible, as a resource. Solid wastes, such as electronic waste and plastics, pose particular challenges, which should be addressed. We call for the development and enforcement of comprehensive national and local waste management policies, strategies, laws and regulations.

219. We urge countries and other stakeholders to take all possible measures to prevent the unsound management of hazardous wastes and their illegal dumping, particularly in countries where the capacity to deal with these wastes is limited, in a manner consistent with the obligations of countries under relevant international instruments. In this context, we welcome the relevant decisions taken at the tenth meeting of the Conference of the Parties to the Basel Convention, held in Cartagena, Colombia, from 17 to 21 October 2011.\footnote{See United Nations Environment Programme, document UNEP/CHW.10/28, annex I.}

220. We recognize the importance of science-based assessments of the risks posed by chemicals to human beings and the environment and of reducing human and environmental exposure to hazardous chemicals. We encourage the development of...
environmentally sound and safer alternatives to hazardous chemicals in products and processes. To this end, we encourage, inter alia, life-cycle assessment, public information, extended producer responsibility, research and development, sustainable design and knowledge-sharing, as appropriate.

221. We welcome the ongoing negotiating process on a global legally binding instrument on mercury to address the risks to human health and the environment, and call for a successful outcome to the negotiations.

222. We recognize that the phase-out of ozone-depleting substances is resulting in a rapid increase in the use and release of high global warming potential hydrofluorocarbons to the environment. We support a gradual phase-down in the consumption and production of hydrofluorocarbons.

223. We acknowledge that sustainable and adequate long-term funding is a key element for the sound management of chemicals and waste, in particular in developing countries. In this regard, we welcome the consultative process on financing options for chemicals and waste, initiated to consider the need for heightened efforts to increase the political priority accorded to sound management of chemicals and waste, and the increased need for sustainable, predictable, adequate and accessible financing for the chemicals and waste agenda. We look forward to the forthcoming proposals by the Executive Director of the United Nations Environment Programme, which will be considered by the International Conference on Chemicals Management and at the twenty-seventh session of the Governing Council of the United Nations Environment Programme, which will be held in Nairobi, from 18 to 22 February 2013.

Sustainable consumption and production

224. We recall the commitments made in the Rio Declaration, Agenda 21 and the Johannesburg Plan of Implementation on sustainable consumption and production and, in particular, the request in chapter III of the Johannesburg Plan of Implementation to encourage and promote the development of a ten-year framework of programmes. We recognize that fundamental changes in the way societies consume and produce are indispensable for achieving global sustainable development.

225. Countries reaffirm the commitments they have made to phasing out harmful and inefficient fossil fuel subsidies that encourage wasteful consumption and undermine sustainable development. We invite others to consider rationalizing inefficient fossil fuel subsidies by removing market distortions, including restructuring taxation and phasing out harmful subsidies, where they exist, to reflect their environmental impacts, with such policies taking fully into account the specific needs and conditions of developing countries, with the aim of minimizing the possible adverse impacts on their development and in a manner that protects the poor and the affected communities.

226. We adopt the ten-year framework of programmes on sustainable consumption and production patterns, and highlight the fact that the programmes included in the framework are voluntary. We invite the General Assembly, at its sixty-seventh session, to designate a Member State body to take any necessary steps to fully operationalize the framework.

227. We acknowledge that minerals and metals make a major contribution to the world economy and modern societies. We note that mining industries are important to all countries with mineral resources, in particular developing countries. We also note that mining offers the opportunity to catalyze broad-based economic development, reduce poverty and assist countries in meeting internationally agreed development goals, including the Millennium Development Goals, when managed effectively and properly. We acknowledge that countries have the sovereign right to develop their mineral resources according to their national priorities and a responsibility regarding the exploitation of resources, as described in the Rio Principles. We further acknowledge that mining activities should maximize social and economic benefits, as well as effectively address negative environmental and social impacts. In this regard, we recognize that governments need strong capacities to develop, manage and regulate their mining industries, in the interest of sustainable development.

228. We recognize the importance of strong and effective legal and regulatory frameworks, policies and practices for the mining sector that deliver economic and social benefits and include effective safeguards that reduce social and environmental impacts, as well as conserve biodiversity and ecosystems, including during post-mining closure. We call upon governments and businesses to promote the continuous improvement of accountability and transparency, as well as the effectiveness of the relevant existing mechanisms to prevent illicit financial flows from mining activities.

Education

229. We reaffirm our commitments to the right to education, and in this regard we commit to strengthen international cooperation to achieve universal access to primary education, particularly for developing countries. We further reaffirm that full access to quality education at all levels is an essential condition for achieving sustainable development, poverty eradication, gender equality and women’s empowerment, as well as human development, for the attainment of the internationally agreed development goals, including the Millennium Development Goals, and for the full participation of both women and men, in particular young people. In this regard, we stress the need for ensuring equal access to education for persons with disabilities, indigenous peoples, local communities, ethnic minorities and people living in rural areas.

230. We recognize that the younger generations are the custodians of the future, and the need for better quality and access to education beyond the primary level. We therefore resolve to improve the capacity of our education systems to prepare people to pursue sustainable development, including through enhanced teacher training, the development of sustainability curricula, the development of training programmes that prepare students for careers in fields related to sustainability, and more effective use of information and communications technologies to enhance learning outcomes. We call for enhanced cooperation among schools, communities and authorities in efforts to promote access to quality education at all levels.

231. We encourage Member States to promote sustainable development awareness among youth, inter alia by promoting programmes for non-formal education in accordance with the goals of the United Nations Decade of Education for Sustainable Development (2005–2014).
232. We emphasize the importance of greater international cooperation to improve access to education, including by building and strengthening education infrastructure and increasing investment in education, particularly investment to improve the quality of education for all in developing countries. We encourage international educational exchanges and partnerships, including the creation of fellowships and scholarships to help to achieve global education goals.

233. We resolve to promote education for sustainable development and to integrate sustainable development more actively into education beyond the Decade of Education for Sustainable Development.

234. We strongly encourage educational institutions to consider adopting good practices in sustainability management on their campuses and in their communities, with the active participation of, inter alia, students, teachers and local partners, and teaching sustainable development as an integrated component across disciplines.

235. We underscore the importance of supporting educational institutions, especially higher educational institutions in developing countries, to carry out research and innovation for sustainable development, including in the field of education, and to develop quality and innovative programmes, including entrepreneurship and business skills training, professional, technical and vocational training and lifelong learning, geared to bridging skills gaps for advancing national sustainable development objectives.

Gender equality and women’s empowerment

236. We reaffirm the vital role of women and the need for their full and equal participation and leadership in all areas of sustainable development, and decide to accelerate the implementation of our respective commitments in this regard as contained in the Convention on the Elimination of All Forms of Discrimination against Women, as well as Agenda 21, the Beijing Declaration and Platform for Action and the United Nations Millennium Declaration.

237. We recognize that, although progress on gender equality has been made in some areas, the potential of women to engage in, contribute to and benefit from sustainable development as leaders, participants and agents of change has not been fully realized, owing to, inter alia, persistent social, economic and political inequalities. We support prioritizing measures to promote gender equality and women’s empowerment in all spheres of our societies, including the removal of barriers to their full and equal participation in decision-making and management at all levels, and we emphasize the impact of setting specific targets and implementing temporary measures, as appropriate, for substantially increasing the number of women in leadership positions, with the aim of achieving gender parity.

238. We resolve to unlock the potential of women as drivers of sustainable development, including through the repeal of discriminatory laws and the removal of formal barriers, ensuring equal access to justice and legal support, the reform of institutions to ensure competence and capacity for gender mainstreaming and the development and adoption of innovative and special approaches to address informal, harmful practices that act as barriers to gender equality. In this regard, we commit to creating an enabling environment for improving the situation of women and girls everywhere, particularly in rural areas and local communities and among indigenous peoples and ethnic minorities.

239. We commit to actively promote the collection, analysis and use of gender-sensitive indicators and sex-disaggregated data in policy, programme design and monitoring frameworks, in accordance with national circumstances and capacities, in order to deliver on the promise of sustainable development for all.

240. We are committed to equal rights and opportunities for women in political and economic decision-making and resource allocation and to removing any barriers that prevent women from being full participants in the economy. We resolve to undertake legislative and administrative reforms to give women equal rights with men to economic resources, including access to ownership and control over land and other forms of property, credit, inheritance, natural resources and appropriate new technology.

241. We are committed to promote the equal access of women and girls to education, basic services, economic opportunities and health-care services, including addressing women’s sexual and reproductive health, and ensuring universal access to safe, effective, affordable and acceptable modern methods of family planning. In this regard, we reaffirm our commitment to implement the Programme of Action of the International Conference on Population and Development and the key actions for the further implementation of the Programme of Action.

242. We recognize that gender equality and the effective participation of women are important for effective action on all aspects of sustainable development.

243. We support the work of the United Nations system, including the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), in promoting and achieving gender equality and women’s empowerment in all aspects of life, including with respect to the linkages between gender equality and women’s empowerment and the promotion of sustainable development. We support the work of UN-Women in leading, coordinating and promoting the accountability of the United Nations system in this regard.

244. We invite donors and international organizations, including the United Nations system organizations, as well as the international financial institutions, regional banks and major groups, including the private sector, to integrate fully commitments and considerations on gender equality and women’s empowerment and ensure the participation of women and effective gender mainstreaming in their decision-making and full programming cycle. We invite them to play a supportive role in the efforts of developing countries to integrate fully commitments and considerations on gender equality and women’s empowerment and ensure the participation of women and effective gender mainstreaming in their decision-making, programme planning, budgeting and implementation, in accordance with national legislation, priorities and capacities.

B. Sustainable development goals

245. We underscore that the Millennium Development Goals are a useful tool in focusing achievement of specific development gains as part of a broad development vision and framework for the development activities of the United Nations, for national priority-setting and for mobilization of stakeholders and resources towards common goals. We therefore remain firmly committed to their full and timely achievement.

246. We recognize that the development of goals could also be useful for pursuing focused and coherent action on sustainable development. We further recognize the importance and utility of a set of sustainable development goals, based on Agenda 21 and the Johannesburg Plan of Implementation, which fully respect all the Rio Principles, taking into account different national circumstances, capacities and priorities, are consistent with international law, build upon commitments already made and contribute to the full implementation of the outcomes of all major summits in the economic, social and environmental fields, including the present outcome document. The goals should address and incorporate in a balanced way all three dimensions of sustainable development and their interlinkages. They should be coherent with and integrated into the United Nations development agenda beyond 2015, thus contributing to the achievement of sustainable development and serving as a driver for implementation and mainstreaming of sustainable development in the United Nations system as a whole. The development of these goals should not divert focus or effort from the achievement of the Millennium Development Goals.

247. We also underscore that sustainable development goals should be action-oriented, concise and easy to communicate, limited in number, aspirational, global in nature and universally applicable to all countries, while taking into account different national realities, capacities and levels of development and respecting national policies and priorities. We also recognize that the goals should address and be focused on priority areas for the achievement of sustainable development, being guided by the present outcome document. Governments should drive implementation with the active involvement of all relevant stakeholders, as appropriate.

248. We resolve to establish an inclusive and transparent intergovernmental process on sustainable development goals that is open to all stakeholders, with a view to developing global sustainable development goals to be agreed by the General Assembly. An open working group shall be constituted no later than at the opening of the sixty-seventh session of the Assembly and shall comprise thirty representatives, nominated by Member States from the five United Nations regional groups, with the aim of achieving fair, equitable and balanced geographical representation. At the outset, this open working group will divide its work into three main areas of work, including developing modalities to ensure the full involvement of relevant stakeholders and expertise from civil society, the scientific community and the United Nations system in its work, in order to provide a diversity of perspectives and experience. It will submit a report, to the Assembly at its sixty-eighth session, containing a proposal for sustainable development goals for consideration and appropriate action.

249. The process needs to be coordinated and coherent with the processes to consider the post-2015 development agenda. The initial input to the work of the working group will be provided by the Secretary-General, in consultation with national Governments. In order to provide technical support to the process and to the work of the working group, we request the Secretary-General to ensure all necessary input and support to this work from the United Nations system, including by establishing an inter-agency technical support team and expert panels, as needed, drawing on all relevant expert advice. Reports on the progress of work will be made regularly to the General Assembly.

250. We recognize that progress towards the achievement of the goals needs to be assessed and accompanied by targets and indicators, while taking into account different national circumstances, capacities and levels of development.

251. We recognize that there is a need for global, integrated and scientifically based information on sustainable development. In this regard, we request the relevant bodies of the United Nations system, within their respective mandates, to support the regional economic commissions in collecting and compiling national inputs in order to inform this global effort. We further commit to mobilizing financial resources and capacity-building, particularly for developing countries, to achieve this endeavour.

VI. Means of implementation

252. We reaffirm that the means of implementation identified in Agenda 21, the Programme for the Further Implementation of Agenda 21, the Johannesburg Plan of Implementation, the Monterrey Consensus and the Doha Declaration on Financing for Development are indispensable for achieving the full and effective translation of sustainable development commitments into tangible sustainable development outcomes. We reiterate that each country has primary responsibility for its own economic and social development and that the role of national policies, domestic resources and development strategies cannot be overemphasized. We reaffirm that developing countries need additional resources for sustainable development. We recognize the need for significant mobilization of resources from a variety of sources and the effective use of financing in order to promote sustainable development. We acknowledge that good governance and the rule of law at the national and international levels are essential for sustained, inclusive and equitable economic growth, sustainable development and the eradication of poverty and hunger.

A. Finance

253. We call upon all countries to prioritize sustainable development in the allocation of resources in accordance with national priorities and needs, and we recognize the crucial importance of enhancing financial support from all sources for sustainable development for all countries, in particular developing countries. We recognize the importance of international, regional and national financial mechanisms, including those accessible to subnational and local authorities, to the implementation of sustainable development programmes, and call for their strengthening and implementation. New partnerships and innovative sources of financing can play a role in complementing sources of financing for sustainable development. We encourage their further exploration and use, alongside the traditional means of implementation.

254. We recognize the need for significant mobilization of resources from a variety of sources and the effective use of financing, in order to give strong support to developing countries in their efforts to promote sustainable development, including through actions undertaken in accordance with the outcome of the United Nations Conference on Sustainable Development and for achieving sustainable development goals.

255. We agree to establish an intergovernmental process under the auspices of the General Assembly, with technical support from the United Nations system and in open and broad consultation with relevant international and regional financial institutions and other relevant stakeholders. The process will assess financing needs, consider the effectiveness, consistency and synergies of existing instruments and frameworks and evaluate additional initiatives, with a view to preparing a report proposing options on an effective sustainable development financing strategy.
facilitate the mobilization of resources and their effective use in achieving sustainable development objectives.

256. An intergovernmental committee, comprising thirty experts nominated by regional groups, with equitable geographical representation, will implement this process, concluding its work by 2014.

257. We request the General Assembly to consider the report of the intergovernmental committee and take appropriate action.

258. We recognize that the fulfilment of all commitments related to official development assistance is crucial, including the commitments by many developed countries to achieve the target of 0.7 per cent of gross national product for official development assistance to developing countries by 2015, as well as a target of 0.5 per cent for official development assistance to least developed countries. To reach their agreed time-tables, donors should take all necessary and appropriate measures to raise the rate of aid disbursements in order to meet their existing commitments. We urge all developed countries to significantly increase their official development assistance to least developed countries, including through the specific mechanisms for the least developed countries.

259. We welcome increasing efforts to improve the quality of official development assistance, including by raising public awareness, providing data on the development impact of aid provided and demonstrating tangible results.

260. We note that the aid architecture has changed significantly in the current decade. New aid providers and novel partnership approaches, which utilize new modalities of cooperation, have contributed to increasing the flow of resources and improving the effectiveness of development cooperation. We emphasize the importance of efforts by developing countries to strengthen leadership of their own development, national development strategies and civil society organizations. We should also bear in mind that there is no one-size-fits-all formula that will guarantee development effectiveness. The specific situation of each country needs to be considered.

261. We invite the international financial institutions, within their respective mandates, to continue providing financial resources, including through specific mechanisms, to promote sustainable development and poverty eradication cooperation. We acknowledge the role played by middle-income developing countries as providers and recipients of development cooperation.

262. We reiterate the importance of ensuring that developing countries have steady and predictable access to adequate financing from all sources to promote sustainable development.

263. We recognize the importance of ensuring that developing countries have steady and predictable access to adequate financing from all sources to promote sustainable development.

264. We stress the need for adequate funding for the operational activities of the United Nations. Development system, as well as the need to make funding more predictable and to ensure that the Assembly and other relevant bodies have timely and indicative information on planned support to strengthen leadership of their own development, national development strategies and civil society organizations. We should also bear in mind that there is no one-size-fits-all formula that will guarantee development effectiveness. The specific situation of each country needs to be considered.

265. We recognize the importance of today's achievements of the Global Environment Facility and support its role in promoting environmentally sustainable development.

266. We stress that fighting corruption and illicit financial flows is a priority and that corruption is a serious barrier to effective resource mobilization and allocation, and diverts resources away from activities that are vital for poverty reduction.

267. We recognize that the fight against corruption and illicit financial flows is a priority and that corruption is a serious barrier to effective resource mobilization and allocation, and diverts resources away from activities that are vital for poverty reduction.

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280. We stress that fighting corruption and illicit financial flows is a priority and that corruption is a serious barrier to effective resource mobilization and allocation, and diverts resources away from activities that are vital for poverty reduction.
ratifying or acceding to the United Nations Convention against Corruption\textsuperscript{61} and begin its implementation.

267. We consider that innovative financing mechanisms can make a positive contribution in assisting developing countries to mobilize additional resources for financing for development on a voluntary basis. Such financing should supplement and not be a substitute for traditional sources of financing. While recognizing the considerable progress in innovative sources of financing for development, we call for a scaling-up of present initiatives, where appropriate.

268. We recognize that a dynamic, inclusive, well-functioning and socially and environmentally responsible private sector is a valuable instrument that can offer a crucial contribution to economic growth and reducing poverty and promoting sustainable development. In order to foster private sector development, we shall continue to pursue appropriate national policy and regulatory frameworks in a manner consistent with national laws to encourage public and private initiatives, including at the local level, to foster a dynamic and well-functioning business sector, and to facilitate entrepreneurship and innovation, including among women, the poor and the vulnerable. We will work to improve income growth and distribution, inter alia, by raising productivity, empowering women, protecting labour rights and taxation. We recognize that the appropriate role of government in relation to the promotion and regulation of the private sector will vary from country to country, depending on national circumstances.

B. Technology

269. We emphasize the importance of technology transfer to developing countries, and recall the provisions on technology transfer, finance, access to information and intellectual property rights as agreed in the Johannesburg Plan of Implementation, in particular its call to promote, facilitate and finance, as appropriate, access to and the development, transfer and diffusion of environmentally sound technologies and corresponding know-how, in particular to developing countries, on favourable terms, including on concessional and preferential terms, as mutually agreed. We also take note of the further evolution of discussions and agreements on these issues since the adoption of the Plan of Implementation.

270. We stress the importance of access by all countries to environmentally sound technologies, new knowledge, know-how and expertise. We further stress the importance of cooperative action on technology innovation, research and development. We agree to explore modalities in the relevant forums for enhanced access to environmentally sound technologies by developing countries.

271. We underline the need for enabling environments for the development, adaptation, dissemination and transfer of environmentally sound technologies. In this context, we note the role of foreign direct investment, international trade and international cooperation in the transfer of environmentally sound technologies. We engage in our countries as well as through international cooperation to promote investment in science, innovation and technology for sustainable development.

272. We recognize the importance of strengthened national, scientific and technological capacities for sustainable development. This can help countries, especially developing countries, to develop their own innovative solutions, scientific research and new, environmentally sound technologies, with the support of the international community. To this end, we support building science and technology capacity, with both women and men as contributors and beneficiaries, including through collaboration among research institutions, universities, the private sector, governments, non-governmental organizations and scientists.

273. We request relevant United Nations agencies to identify options for a facilitation mechanism that promotes the development, transfer and dissemination of clean and environmentally sound technologies by, inter alia, assessing the technology needs of developing countries, options to address those needs and capacity-building. We request the Secretary-General, on the basis of the options identified and taking into account existing models, to make recommendations regarding the facilitation mechanism to the General Assembly at its sixty-seventh session.

274. We recognize the importance of space-technology-based data, in situ monitoring and reliable geospatial information for sustainable development policymaking, programming and project operations. In this context, we note the relevance of global mapping, and recognize the efforts in developing global environmental observing systems, including by the Eye on Earth network and through the Global Earth Observation System of Systems. We recognize the need to support developing countries in their efforts to collect environmental data.

275. We recognize the importance of strengthening international, regional and national capacities in research and technology assessment, especially in view of the rapid development and possible deployment of new technologies that may also have unintended negative impacts, in particular on biodiversity and health, or other unforeseen consequences.

276. We recognize the need to facilitate informed policy decision-making on sustainable development issues and, in this regard, to strengthen the science-policy interface.

C. Capacity-building

277. We emphasize the need for enhanced capacity-building for sustainable development and, in this regard, we call for the strengthening of technical and scientific cooperation, including North-South, South-South and triangular cooperation. We reiterate the importance of human resource development, including training, the exchange of experiences and expertise, knowledge transfer and technical assistance for capacity-building, which involves strengthening institutional capacity, including planning, management and monitoring capacities.

278. We call for the continued and focused implementation of the Bali Strategic Plan for Technology Support and Capacity-building, adopted by the United Nations Environment Programme.\textsuperscript{62}

279. We encourage the participation and representation of men and women scientists and researchers from developing and developed countries in processes related to global environmental and sustainable development assessment and monitoring, with the purpose of enhancing national capabilities and the quality of research for policy and decision-making processes.

\textsuperscript{61} Ibid., vol. 2349, No. 42146.

280. We invite all relevant agencies of the United Nations system and other relevant international organizations to support developing countries and, in particular, the least developed countries in capacity-building for developing resource-efficient and inclusive economies, including by:

- (a) Sharing sustainable practices in various economic sectors;
- (b) Enhancing knowledge and capacity to integrate disaster risk reduction and resilience into development plans;
- (c) Supporting North-South, South-South and triangular cooperation for the transition to a resource-efficient economy;
- (d) Promoting public-private partnerships.

D. Trade

281. We reaffirm that international trade is an engine for development and sustained economic growth, and also reaffirm the critical role that a universal, rules-based, open, non-discriminatory and equitable multilateral trading system, as well as meaningful trade liberalization, can play in stimulating economic growth and development worldwide, thereby benefiting all countries at all stages of development as they advance towards sustainable development. In this context, we remain focused on achieving progress in addressing a set of important issues, such as, inter alia, trade-distorting subsidies and trade in environmental goods and services.

282. We urge the members of the World Trade Organization to redouble their efforts to achieve an ambitious, balanced and development-oriented conclusion to the Doha Development Agenda, while respecting the principles of transparency, inclusiveness and consensual decision-making, with a view to strengthening the multilateral trading system. In order to effectively participate in the work programme of the World Trade Organization and fully realize trade opportunities, developing countries need the assistance and enhanced cooperation of all relevant stakeholders.

E. Registry of commitments

283. We welcome the commitments voluntarily entered into at the United Nations Conference on Sustainable Development and throughout 2012 by all stakeholders and their networks to implement concrete policies, plans, programmes, projects and actions to promote sustainable development and poverty eradication. We invite the Secretary-General to compile these commitments and facilitate access to other registries that have compiled commitments, in an Internet-based registry. The registry should make information about the commitments fully transparent and accessible to the public, and it should be periodically updated.
Convention on the International Liability for Damage Caused by Space Objects, 1972
No. 13810

MULTILATERAL

Convention on the international liability for damage caused by space objects. Opened for signature at London, Moscow and Washington on 29 March 1972

Authentic texts: English, Russian, French, Spanish and Chinese.

Registered by the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America on 20 March 1975.

MULTILATÉRAL

Convention sur la responsabilité internationale pour les dommages causés par les objets spatiaux. Ouverte à la signature à Londres, Moscou et Washington le 29 mars 1972

Textes authentiques : anglais, russe, français, espagnol et chinois.


CONVENTION ON INTERNATIONAL LIABILITY FOR DAMAGE CAUSED BY SPACE OBJECTS

The States Parties to this Convention, Recognising the common interest of all mankind in furthering the exploration and use of outer space for peaceful purposes,

1. Came into force on 1 September 1972, the date of deposit of the fifth instrument of ratification* with the Governments of the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland or the United States of America, in accordance with article XXIV (3). The instruments were deposited as follows:

<table>
<thead>
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<th>State</th>
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<th>State</th>
<th>Date of deposit of instrument of ratification</th>
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<td>Ireland**</td>
<td>29 June 1972 (L, W)</td>
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<td>14 June 1972 (W)</td>
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<td></td>
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<td>17 August 1972 (W)</td>
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<td></td>
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<td>Niger</td>
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</table>

* By the date of 22 December 1976 the Secretariat, in the fulfilment of its functions under article 52 of the General Assembly Regulations to give effect to Article 102 of the Charter, drew the attention of

(Continued on page 189)
Recalling the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, 1

Taking into consideration that, notwithstanding the precautionary measures to be taken by States and international intergovernmental organisations involved in the launching of space objects, damage may on occasion be caused by such objects,

Recognizing the need to elaborate effective international rules and procedures concerning liability for damage caused by space objects and to ensure, in particular, the prompt payment under the terms of this Convention of a full and equitable measure of compensation to victims of such damage,

Believing that the establishment of such rules and procedures will contribute to the strengthening of international co-operation in the field of the exploration and use of outer space for peaceful purposes,

Have agreed on the following:

Article I. For the purposes of this Convention:

(a) The term “damage” means loss of life, personal injury or other impairment of health; or loss of or damage to property of States or of persons, natural or juridical, or property of international intergovernmental organisations;

(b) The term “launching” includes attempted launching;

(c) The term “launching State” means:

(i) a state which launches or procures the launching of a space object;

(ii) a State from whose territory or facility a space object is launched;

(d) The term “space object” includes component parts of a space object as well as its launch vehicle and parts thereof.

Article II. A launching State shall be absolutely liable to pay compensation for damage caused by its space object on the surface of the earth or to aircraft in flight.

[Footnote 1 continued from page 188]

the three deposits to the fact that six instruments of ratification appeared to have been deposited in London, Moscow or Washington as at 30 August 1972 and that, having regard to article XXIV (3) of the Convention, it seemed that the latter should be considered as having entered into force on 30 August 1972—rather than 1 September 1972, the date indicated in the joint request for registration. In this connexion the Secretariat received the following clarifications from the depositories:

—United Kingdom of Great Britain and Northern Ireland (communication received on 17 March 1977):

... The United Kingdom, United States and the Soviet Union informed the Secretary-General that the Convention had entered into force on 1 September 1972. Our communication was in furtherance of our responsibilities as a Depository Government to inform States and other institutions when the number of ratifications required for the entry into force of the Treaty had been received. The United Kingdom remains of the view that the Outer Space Liability Convention entered into force on 1 September 1972.

—United States of America (communication received on 17 March 1977): Some communication, in essence, as the one received from the United Kingdom.

—Union of Soviet Socialist Republics (communication received on 30 November 1976) [Translation]: The instruments of ratification of the Convention ... were deposited in Moscow by Bulgaria on 14 May 1973 and by the German Democratic Republic on 30 August 1972.

** See p. 260 of this volume for the texts of the reservations and declarations made upon ratification and accession.


Article III. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, the latter shall be liable only if the damage is due to its fault or the fault of persons for whom it is responsible.

Article IV. 1. In the event of damage being caused elsewhere than on the surface of the earth to a space object of one launching State or to persons or property on board such a space object by a space object of another launching State, and of damage thereby being caused to a third State or to its natural or juridical persons, the first two States shall be jointly and severally liable to the third State, to the extent indicated by the following:

(a) If the damage has been caused to the third State on the surface of the earth or to aircraft in flight, their liability to the third State shall be absolute;

(b) If the damage has been caused to a space object of the third State or to persons or property on board that space object elsewhere than on the surface of the earth, their liability to the third State shall be based on the fault of either of the first two States or on the fault of persons for whom either is responsible.

2. In all cases of joint and several liability referred to in paragraph 1 of this Article, the burden of compensation for the damage shall be apportioned between the first two States in accordance with the extent to which they were at fault; if the extent of the fault of each of these States cannot be established, the burden of compensation shall be apportioned equally between them. Such apportionment shall be without prejudice to the right of the third State to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

Article V. 1. Whenever two or more States jointly launch a space object, they shall be jointly and severally liable for any damage caused.

2. A launching State which has paid compensation for damage shall have the right to present a claim for indemnification to other participants in the joint launching. The participants in a joint launching may conclude agreements regarding the apportioning among themselves of the financial obligation in respect of which they are jointly and severally liable. Such agreements shall be without prejudice to the right of a State sustaining damage to seek the entire compensation due under this Convention from any or all of the launching States which are jointly and severally liable.

3. A State from whose territory or facility a space object is launched shall be regarded as a participant in a joint launching.

Article VI. 1. Subject to the provisions of paragraph 2 of this Article, exoneration from absolute liability shall be granted to the extent that a launching State establishes that the damage has resulted either wholly or partially from gross negligence or from an act or omission done with intent to cause damage on the part of a claimant State or of natural or juridical persons it represents.

2. No exoneration whatever shall be granted in cases where the damage has resulted from activities conducted by a launching State which are not in conformity with international law including, in particular, the Charter of the United Nations and the Treaty on Principles Governing the Activities of States in
the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

Article VII. The provisions of this Convention shall not apply to damage caused by a space object of a launching State to:

(a) nationals of that launching State;

(b) foreign nationals during such time as they are participating in the operation of that space object from the time of its launching or at any stage thereafter until its descent, or during such time as they are in the immediate vicinity of a planned launching or recovery area as the result of an invitation by that launching State.

Article VIII. 1. A State which suffers damage, or whose natural or juridical persons suffer damage, may present to a launching State a claim for compensation for such damage.

2. If the State of nationality has not presented a claim, another State may, in respect of damage sustained in its territory by any natural or juridical person, present a claim to a launching State.

3. If neither the State of nationality nor the State in whose territory the damage was sustained has presented a claim or notified its intention of presenting a claim, another State may, in respect of damage sustained by its permanent residents, present a claim to a launching State.

Article IX. A claim for compensation for damage shall be presented to a launching State through diplomatic channels. If a State does not maintain diplomatic relations with the launching State concerned, it may request another State to present its claim to that launching State or otherwise represent its interests under this Convention. It may also present its claim through the Secretary-General of the United Nations, provided the claimant State and the launching State are both Members of the United Nations.

Article X. 1. A claim for compensation for damage may be presented to a launching State not later than one year following the date of the occurrence of the damage or the identification of the launching State which is liable.

2. If, however, a State does not know of the occurrence of the damage or has not been able to identify the launching State which is liable, it may present a claim within one year following the date on which it learned of the aforementioned facts; however, this period shall in no event exceed one year following the date on which the State could reasonably be expected to have learned of the facts through the exercise of due diligence.

3. The time-limits specified in paragraphs 1 and 2 of this Article shall apply even if the full extent of the damage may not be known. In this event, however, the claimant State shall be entitled to revise the claim and submit additional documentation after the expiration of such time-limits until one year after the full extent of the damage is known.

Article XI. 1. Presentation of a claim to a launching State for compensation for damage under this Convention shall not require the prior exhaustion of any local remedies which may be available to a claimant State or to natural or juridical persons it represents.

2. Nothing in this Convention shall prevent a State, or natural or juridical persons it might represent, from pursuing a claim in the courts or administrative tribunals or agencies of a launching State. A State shall not, however, be entitled to present a claim under this Convention in respect of the same damage for which a claim is being pursued in the courts or administrative tribunals or agencies of a launching State or under another international agreement which is binding on the States concerned.

Article XII. The compensation which the launching State shall be liable to pay for damage under this Convention shall be determined in accordance with international law and the principles of justice and equity, in order to provide such reparation in respect of the damage as will restore the person, natural or juridical, State or international organisation on whose behalf the claim is presented to the condition which would have existed if the damage had not occurred.

Article XIII. Unless the claimant State and the State from which compensation is due under this Convention agree on another form of compensation, the compensation shall be paid in the currency of the claimant State or, if that State so requests, in the currency of the State from which compensation is due.

Article XIV. If no settlement of a claim is arrived at through diplomatic negotiations as provided for in Article IX, within one year from the date on which the claimant State notifies the launching State that it has submitted the documentation of its claim, the parties concerned shall establish a Claims Commission at the request of either party.

Article XV. 1. The Claims Commission shall be composed of three members: one appointed by the claimant State, one appointed by the launching State and the third member, the Chairman, to be chosen by both parties jointly. Each party shall make its appointment within two months of the request for the establishment of the Claims Commission.

2. If no agreement is reached on the choice of the Chairman within four months of the request for the establishment of the Commission, either party may request the Secretary-General of the United Nations to appoint the Chairman within a further period of two months.

Article XVI. 1. If one of the parties does not make its appointment within the stipulated period, the Chairman shall, at the request of the other party, constitute a single-member Claims Commission.

2. Any vacancy which may arise in the Commission for whatever reason shall be filled by the same procedure adopted for the original appointment.

3. The Commission shall determine its own procedure.

4. The Commission shall determine the place or places where it shall sit and all other administrative matters.

5. Except in the case of decisions and awards by a single-member Commission, all decision and awards of the Commission shall be by majority vote.

Article XVII. No increase in the membership of the Claims Commission shall take place by reason of two or more claimant States or launching States being joined in any one proceeding before the Commission. The claimant States
so joined shall collectively appoint one member of the Commission in the same manner and subject to the same conditions as would be the case for a single claimant State. When two or more launching States are so joined, they shall collectively appoint one member of the Commission in the same way. If the claimant States or the launching States do not make the appointment within the stipulated period, the Chairman shall constitute a single-member Commission.

Article XVIII. The Claims Commission shall decide the merits of the claim for compensation and determine the amount of compensation payable, if any.

Article XIX. 1. The Claims Commission shall act in accordance with the provisions of Article XII.

2. The decision of the Commission shall be final and binding if the parties have so agreed; otherwise the Commission shall render a final and recommendatory award, which the parties shall consider in good faith. The Commission shall state the reasons for its decision or award.

3. The Commission shall give its decision or award as promptly as possible and no later than one year from the date of its establishment, unless an extension of this period is found necessary by the Commission.

4. The Commission shall make its decision or award public. It shall deliver a certified copy of its decision or award to each of the parties and to the Secretary-General of the United Nations.

Article XX. The expenses in regard to the Claims Commission shall be borne equally by the parties, unless otherwise decided by the Commission.

Article XXI. If the damage caused by a space object presents a large-scale danger to human life or seriously interferes with the living conditions of the population or the functioning of vital centres, the States Parties, and in particular the launching State, shall examine the possibility of rendering appropriate and rapid assistance to the State which has suffered the damage, when it so requests. However, nothing in this Article shall affect the rights or obligations of the States Parties under this Convention.

Article XXII. 1. In this Convention, with the exception of Articles XXIV to XXVII, references to States shall be deemed to apply to any international intergovernmental organisation which conducts space activities if the organisation declares its acceptance of the rights and obligations provided for in this Convention and if a majority of the States members of the organisation are State Parties to this Convention and to the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies.

2. States members of any organisation which are States Parties to this Convention shall take all appropriate steps to ensure that the organisation makes a declaration in accordance with the preceding paragraph.

3. If an international intergovernmental organisation is liable for damage by virtue of the provisions of this Convention, that organisation and those of its members which are States Parties to this Convention shall be jointly and severally liable; provided, however, that:

(a) any claim for compensation in respect of such damage shall be first presented to the organisation;
Article XXVII. Any State Party to this Convention may give notice of its withdrawal from the Convention one year after its entry into force by written notification to the Depository Governments. Such withdrawal shall take effect one year from the date of receipt of this notification.

Article XXVIII. This Convention, of which the English, Russian, French, Spanish and Chinese texts are equally authentic, shall be deposited in the archives of the Depository Governments. Duly certified copies of this Convention shall be transmitted by the Depository Governments to the Governments of the signatory and acceding States.

IN WITNESS WHEREOF the undersigned, duly authorised thereto, have signed this Convention.

DONE in triplicate, at the cities of London, Moscow and Washington, this twenty-ninth day of March, one thousand nine hundred and seventy-two.

В УДОСТОВЕРЕНИЕ ЧИГО НИЖЕПОДПИСАВШИЕСЯ, ДОЛЖНЫМ ОБРАЗОМ НАТО УПОЛОМОЧЕННИЕМ, ПОДПИСАЛИ НАСТОЯЩУЮ КОНВЕНЦИЮ.

СОВЕРШЕНО В ТРЕХ ЭКЗЕМПЛЯРАХ В ГОРОДАХ ЛОНДОНЕ, ВАШИНГТОНЕ И МОСКВЕ, МАРТА МЕСЯЦА, ДВАДЦАТЬ ДЕВЯТЫЙ ДЕНЬ, ТЫСЯЧА ДЕВЯТЬСОТ СЕМЬДЕСЯТ ВТОРОГО ГОДА.

EN FOI DE QUII les soussignés, dûment habilités à cet effet, ont signé la présente Convention.

FAIT en trois exemplaires, à Londres, Moscou et Washington, le vingt-neuf mars mil neuf cent soixante-douze.

EN TESTIMONIO DE LO CUAL, los infrascritos, debidamente autorizados al efecto, firman este Convenio.

HECHO en tres ejemplares en las ciudades de Londres, Moscú y Washington, el día veintinueve de marzo de mil novecientos setenta y dos.

為此，下列代表，各承正式授予之權，謹簽字於本公約，以昭信守。

本公約共繕三份，於公曆一九七二年三月二十九日訂於倫敦、莫斯科及華盛頓。
Vienna Convention for the Protection of the Ozone Layer, 1985
Treaty Series

Treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations

VOLUME 1513

Recueil des Traités

Traités et accords internationaux enregistrés ou classés et inscrits au répertoire au Secrétariat de l’Organisation des Nations Unies

No. 26164

MULTILATERAL

Vienna Convention for the Protection of the Ozone Layer (with annexes and Final Act). Concluded at Vienna on 22 March 1985


MULTILATÉRAL

Convention de Vienne pour la protection de la couche d’ozone (avec annexes et Acte final). Conclue à Vienne le 22 mars 1985

VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

PREAMBLE

The Parties to this Convention,

Aware of the potentially harmful impact on human health and the environment through modification of the ozone layer,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, and in particular principle 21, which provides that “States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction”.

Taking into account the circumstances and particular requirements of developing countries,

Mindful of the work and studies proceeding within both international and national organizations and, in particular, of the World Plan of Action on the Ozone Layer of the United Nations Environment Programme,

Mindful also of the precautionary measures for the protection of the ozone layer which have already been taken at the national and international levels,

Aware that measures to protect the ozone layer from modifications due to human activities require international co-operation and action, and should be based on relevant scientific and technical considerations,

Aware also of the need for further research and systematic observations to further develop scientific knowledge of the ozone layer and possible adverse effects resulting from its modification,

Determined to protect human health and the environment against adverse effects resulting from modifications of the ozone layer,

Have agreed as follows:

Article 1. Definitions

For the purposes of this Convention:

1. “The ozone layer” means the layer of atmospheric ozone above the planetary boundary layer.

2. “Adverse effects” means changes in the physical environment or biota, including changes in climate, which have significant deleterious effects on human health or on the composition, resilience and productivity of natural and managed ecosystems, or on materials useful to mankind.

3. “Alternative technologies or equipment” means technologies or equipment which use of which makes it possible to reduce or effectively eliminate emissions of substances which have or are likely to have adverse effects on the ozone layer.

4. “Alternative substances” means substances which reduce, eliminate or avoid adverse effects on the ozone layer.

5. “Parties” means, unless the text otherwise indicates, Parties to this Convention.

6. “Regional economic integration organization” means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.

7. “Protocols” means protocols to this Convention.

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**Table 1**

<table>
<thead>
<tr>
<th>State</th>
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<tr>
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<td>15 May 1987</td>
</tr>
<tr>
<td>(In respect of the United Kingdom), Isle of Man, Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar, Hong Kong, Montserrat, Pitcairn, Henderson, Ducie and Oeno Islands, Saint Helena, Saint Helena Dependencies, South Georgia and South Sandwich Islands, Turks and Caicos Islands, and United Kingdom Sovereign Base Areas of Akrotiri and Dhekelia in the Island of Cyprus)</td>
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1 See p. 422 of this volume for the texts of the declarations made upon ratification.
Article 2. GENERAL OBLIGATIONS

1. The Parties shall take appropriate measures in accordance with the provisions of this Convention and of those protocols in force to which they are party to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer.

2. To this end the Parties shall, in accordance with the means at their disposal and their capabilities:

(a) Co-operate by means of systematic observations, research and information exchange in order to better understand and assess the effects of human activities on the ozone layer and the effects on human health and the environment from modification of the ozone layer;

(b) Adopt appropriate legislative or administrative measures and co-operate in harmonizing appropriate policies to control, limit, reduce or prevent human activities under their jurisdiction or control should it be found that these activities have or are likely to have adverse effects resulting from modification or likely modification of the ozone layer;

(c) Co-operate in the formulation of agreed measures, procedures and standards for the implementation of this Convention, with a view to the adoption of protocols and annexes;

(d) Co-operate with competent international bodies to implement effectively this Convention and protocols to which they are party.

3. The provisions of this Convention shall in no way affect the right of Parties to adopt, in accordance with international law, domestic measures additional to those referred to in paragraphs 1 and 2 above, nor shall they affect additional domestic measures already taken by a Party, provided that these measures are not incompatible with their obligations under this Convention.

4. The application of this article shall be based on relevant scientific and technical considerations.

Article 3. RESEARCH AND SYSTEMATIC OBSERVATIONS

1. The Parties undertake, as appropriate, to initiate and co-operate in, directly or through competent international bodies, the conduct of research and scientific assessments on:

(a) The physical and chemical processes that may affect the ozone layer;

(b) The human health and other biological effects deriving from any modifications of the ozone layer, particularly those resulting from changes in ultra-violet solar radiation having biological effects (UV-B);

(c) Climatic effects deriving from any modifications of the ozone layer;

(d) Effects deriving from any modifications of the ozone layer and any consequent change in UV-B radiation or natural and synthetic materials useful to mankind;

(e) Substances, practices, processes and activities that may affect the ozone layer, and their cumulative effects;

(f) Alternative substances and technologies;

(g) Related socio-economic matters;

and as further elaborated in annexes I and II.

Article 4. CO-OPERATION IN THE LEGAL, SCIENTIFIC AND TECHNICAL FIELDS

1. The Parties shall facilitate and encourage the exchange of scientific, technical, socio-economic, commercial and legal information relevant to this Convention as further elaborated in annex II. Such information shall be supplied to bodies agreed upon by the Parties. Any such body receiving information regarded as confidential by the supplying Party shall ensure that such information is not disclosed and shall aggregate it to protect its confidentiality before it is made available to all Parties.

2. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of the developing countries, in promoting, directly or through competent international bodies, the development and transfer of technology and knowledge. Such co-operation shall be carried out particularly through:

(a) Facilitation of the acquisition of alternative technologies by other Parties;

(b) Provision of information on alternative technologies and equipment, and supply of special manuals or guides to them;

(c) The supply of necessary equipment and facilities for research and systematic observations;

(d) Appropriate training of scientific and technical personnel.

Article 5. TRANSMISSION OF INFORMATION

The Parties shall transmit, through the secretariat, to the Conference of the Parties established under article 6 information on the measures adopted by them in implementation of this Convention and of protocols to which they are party in such form and at such intervals as the meetings of the parties to the relevant instruments may determine.

Article 6. CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the secretariat designated on an interim basis under article 7 not later than one year after entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.
3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure and financial rules for itself and for any subsidiary bodies it may establish, as well as financial provisions governing the functioning of the secretariat.

4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and, in addition, shall:

(a) Establish the form and the intervals for transmitting the information to be submitted in accordance with article 5 and consider such information as well as reports submitted by any subsidiary body;

(b) Review the scientific information on the ozone layer, on its possible modification and on possible effects of any such modification;

(c) Promote, in accordance with article 2, the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modification of the ozone layer, and make recommendations on any other measures relating to this Convention;

(d) Adopt, in accordance with articles 3 and 4, programmes for research, systematic observations, scientific and technological co-operation, the exchange of information and the transfer of technology and knowledge;

(e) Consider and adopt, as required, in accordance with articles 9 and 10, amendments to this Convention and its annexes;

(f) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;

(g) Consider and adopt, as required, in accordance with article 10, additional annexes to this Convention;

(h) Consider and adopt, as required, protocols in accordance with article 8;

(i) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention;

(j) Seek, where appropriate, the services of competent international bodies and scientific committees, in particular the World Meteorological Organization and the World Health Organization, as well as the Co-ordinating Committee on the Ozone Layer, in scientific research, systematic observations and other activities pertinent to the objectives of this Convention, and make use as appropriate of information from these bodies and committees;

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

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Convention, may be represented at meetings of the Conference of the Parties by observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 7. SECRETARIAT

1. The functions of the secretariat shall be:

(a) To arrange for and service meetings provided for in articles 6, 8, 9 and 10;

(b) To prepare and transmit reports based upon information received in accordance with articles 4 and 5, as well as upon information derived from meetings of subsidiary bodies established under article 6;

(c) To perform the functions assigned to it by any protocol;

(d) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

(e) To ensure the necessary co-ordination with other relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(f) To perform such other functions as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by the United Nations Environment Programme until the completion of the first ordinary meeting of the Conference of the Parties held pursuant to article 6. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

Article 8. ADOPTION OF PROTOCOLS

1. The Conference of the Parties may at a meeting adopt protocols pursuant to article 2.

2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a meeting.

Article 9. AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Party may propose amendments to this Convention or to any protocol. Such amendments shall take due account, inter alia, of relevant scientific and technical considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.
4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Ratification, approval or acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of the Parties to this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after the Party deposits its instrument of ratification, approval or acceptance of the amendments.

6. For the purposes of this article, “Parties present and voting” means Parties present and casting an affirmative or negative vote.

**Article 10. Adoption and Amendment of Annexes**

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 3, while annexes to any protocol shall be proposed and adopted according to the procedure laid down in article 9, paragraphs 2 and 4;

(b) Any party that is unable to approve an additional annex to this Convention or any annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol concerned enters into force.

**Article 11. Settlement of Disputes**

1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good 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 procedures to be adopted by the Conference of the Parties at its first ordinary meeting;

(b) Submission of the dispute to the International Court of Justice.

4. If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree.

5. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a final and recommendation award, which the parties shall consider in good faith.

6. The provisions of this article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

**Article 12. Signature**


**Article 13. Ratification, Acceptance or Approval**

1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention or any protocol without any of its member States being a Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Party to the Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligation under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.
3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

**Article 14. Accession**

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of article 13, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

**Article 15. Right to Vote**

1. Each Party to this Convention or to any protocol shall have one vote.

2. Except as provided for in paragraph 1 above, regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

**Article 16. Relationship between the Convention and its Protocols**

1. A State or a regional economic integration organization may not become a party to a protocol unless it is, or becomes at the same time, a Party to the Convention.

2. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned.

**Article 17. Entry into Force**

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

2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance or approval of such protocol or accession thereto.

3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.

4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that Party, whichever shall be the later.

5. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of such organization.

**Article 18. Reservations**

No reservations may be made to this Convention.

**Article 19. Withdrawal**

1. At any time after four years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Except as may be provided in any protocol, at any time after four years from the date on which such protocol has entered into force for a party, that party may withdraw from the protocol by giving written notification to the Depositary.

3. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

4. Any Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

**Article 20. Depositary**

1. The Secretary-General of the United Nations shall assume the functions of depositary of this Convention and any protocols.

2. The Depositary shall inform the Parties, in particular, of:

   (a) The signature of this Convention and of any protocol, and the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 13 and 14;

   (b) The date on which the Convention and any protocol will come into force in accordance with article 17;

   (c) Notifications of withdrawal made in accordance with article 19;

   (d) Amendments adopted with respect to the Convention and any protocol, their acceptance by the parties and their date of entry into force in accordance with article 9;

   (e) All communications relating to the adoption and approval of annexes and to the amendment of annexes in accordance with article 10;

   (f) Notifications by regional economic integration organizations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereto.

   (g) Declarations made in accordance with article 11, paragraph 3.
Article 21. Authentic Texts

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

In witness whereof the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Vienna on the 22nd day of March 1985.

Annex I

Research and Systematic Observations

1. The Parties to the Convention recognize that the major scientific issues are:

   (a) Modification of the ozone layer which would result in a change in the amount of solar ultra-violet radiation having biological effects (UV-B) that reaches the Earth's surface and the potential consequences for human health, for organisms, ecosystems and materials useful to mankind;

   (b) Modification of the vertical distribution of ozone, which could change the temperature structure of the atmosphere and the potential consequences for weather and climate.

2. The Parties to the Convention, in accordance with article 3, shall co-operate in conducting research and systematic observations and in formulating recommendations for future research and observation in such areas as:

   (a) Research into the physics and chemistry of the atmosphere

      (i) Comprehensive theoretical models: further development of models which consider the interaction between radiative, dynamic and chemical processes; studies of the simultaneous effects of various man-made and naturally occurring species upon atmospheric ozone; interpretation of satellite and non-satellite measurement data sets; evaluation of trends in atmospheric and geophysical parameters, and the development of methods for attributing changes in these parameters to specific causes;

      (ii) Laboratory studies of: rate coefficients; absorption cross-sections and mechanisms of tropospheric and stratospheric chemical and photochemical processes; spectroscopic data to support field measurements in all relevant spectral regions;

      (iii) Field measurements: the concentration and fluxes of key source gases of both natural and anthropogenic origin; atmospheric dynamics studies; simultaneous measurements of photochemically-related species down to the planetary boundary layer, using in situ and remote sensing instruments; intercomparison of different sensors, including co-ordinated measurements for satellite instrumentation; three-dimensional fields of key atmospheric trace constituents, solar spectral flux and meteorological parameters;

      (iv) Instrument development, including satellite and non-satellite sensors for atmospheric trace constituents, solar flux and meteorological parameters;

   (b) Research into health, biological and photodegradation effects

      (i) The relationship between human exposure to visible and ultra-violet solar radiation and (a) the development of both non-melanoma and melanoma skin cancer and (b) the effects on the immunological system;

      (ii) Effects of UV-B radiation, including the wavelength dependence, upon (a) agricultural crops, forests and other terrestrial ecosystems and (b) the aquatic food web and fisheries, as well as possible inhibition of oxygen production by marine phytoplankton;

      (iii) The mechanisms by which UV-B radiation acts on biological materials, species and ecosystems, including: the relationship between dose, dose rate, and response; photorepair, adaptation, and protection;

      (iv) Studies of biological action spectra and the spectral response using polychromatic radiation in order to include possible interactions of the various wavelength regions;

      (v) The influence of UV-B radiation on: the sensitivities and activities of biological species important to the biospheric balance; primary processes such as photosynthesis and biosynthesis;

      (vi) The influence of UV-B radiation on the photodegradation of pollutants, agricultural chemicals and other materials;
(c) Research on effects on climate
(i) Theoretical and observational studies of the radiative effects of ozone and other trace species and the impact on climate parameters, such as land and ocean surface temperatures, precipitation patterns, the exchange between the troposphere and stratosphere;
(ii) Investigation of the effects of such climate impacts on various aspects of human activity;
(d) Systematic observations on:
(i) The status of the ozone layer (i.e. the spatial and temporal variability of the total column content and vertical distribution) by making the Global Ozone Observing System, based on the integration of satellite and ground-based systems, fully operational;
(ii) The tropospheric and stratospheric concentrations of source gases for the HOX, NOX, C10X and carbon families;
(iii) The temperature from the ground to the mesosphere, utilizing both ground-based and satellite systems;
(iv) Wavelength-resolved solar flux reaching, and thermal radiation leaving, the Earth’s atmosphere, utilizing satellite measurements;
(v) Wavelength-resolved solar flux reaching the Earth’s surface in the ultra-violet range having biological effects (UV-B);
(vi) Aerosol properties and distribution from the ground to the mesosphere, utilizing ground-based, airborne and satellite systems;
(vii) Climatically important variables by the maintenance of programmes of high-quality meteorological surface measurements;
(viii) Trace species, temperatures, solar flux and aerosols utilizing improved methods for analyzing global data.

3. The Parties to the Convention shall co-operate, taking into account the particular needs of the developing countries, in promoting the appropriate scientific and technical training required to participate in the research and systematic observations outlined in this annex. Particular emphasis should be given to the re-calibration of observational instrumentation and methods with a view to generating comparable or standardized scientific data sets.

4. The following chemical substances of natural and anthropogenic origin, not listed in order of priority, are thought to have the potential to modify the chemical and physical properties of the ozone layer.
(a) Carbon substances
(i) Carbon monoxide (CO). Carbon monoxide has significant natural and anthropogenic sources, and is thought to play a major direct role in tropospheric photochemistry, and an indirect role in stratospheric photochemistry.
(ii) Carbon dioxide (CO2). Carbon dioxide has significant natural and anthropogenic sources, and affects stratospheric ozone by influencing the thermal structure of the atmosphere.
(iii) Methane (CH4). Methane has both natural and anthropogenic sources, and affects both tropospheric and stratospheric ozone.
(iv) Non-methane hydrocarbon species. Non-methane hydrocarbon species, which consist of a large number of chemical substances, have both natural and anthropogenic sources, and play a direct role in tropospheric photochemistry and an indirect role in stratospheric photochemistry.

(b) Nitrogen substances
(i) Nitrous oxide (N2O). The dominant sources of N2O are natural, but anthropogenic contributions are becoming increasingly important. Nitrous oxide is the primary source of stratospheric NOX, which play a vital role in controlling the abundance of stratospheric ozone.
(ii) Nitrogen oxides (NOX). Ground-level sources of NOX play a major direct role only in tropospheric photochemical processes and an indirect role in stratosphere photochemistry, whereas injection of NOX close to the tropopause may lead directly to a change in upper tropospheric and stratospheric ozone.
(c) Chlorine substances
(i) Fully halogenated alkanes, e.g. CCl4, CFC12 (CFC-11), C2F2Cl3 (CFC-12), C2F4Cl3 (CFC-113), C2F4Cl2 (CFC-114). Fully halogenated alkanes are anthropogenic and act as a source of C10X, which plays a vital role in ozone photochemistry, especially in the 30–50 km altitude region.
(ii) Partially halogenated alkanes, e.g. CH3Cl, C2H5Cl (CFC-22), CH2CCl3 (CHFC12 (CFC-21)). The sources of CH3Cl are natural, whereas the other partially halogenated alkanes mentioned above are anthropogenic in origin. These gases also act as a source of stratospheric C10X.
(d) Bromine substances
Fully halogenated alkanes, e.g. CF3Br. These gases are anthropogenic and act as a source of Brox, which behaves in a manner similar to C10X.
(e) Hydrogen substances
(i) Hydrogen (H2). Hydrogen, the source of which is natural and anthropogenic, plays a minor role in stratospheric photochemistry.
(ii) Water (H2O). Water, the source of which is natural, plays a vital role in both tropospheric and stratospheric photochemistry. Local sources of water vapour in the stratosphere include the oxidation of methane and, to a lesser extent, of hydrogen.

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ANNEX II

INFORMATION EXCHANGE

1. The Parties to the Convention recognize that the collection and sharing of information is an important means of implementing the objectives of this Convention and of assuring that any actions that may be taken are appropriate and equitable. Therefore, Parties shall exchange scientific, technical, socio-economic, business, commercial and legal information.

2. The Parties to the Convention, in deciding what information is to be collected and exchanged, should take into account the usefulness of the information and the costs of obtaining it. The Parties further recognize that co-operation under this annex has to be consistent with national laws, regulations and practices regarding patents, trade secrets, and protection of confidential and proprietary information.

3. Scientific information
   This includes information on:
   (a) Planned and ongoing research, both governmental and private, to facilitate the co-ordination of research programmes so as to make the most effective use of available national and international resources;
   (b) The emission data needed for research;
   (c) Scientific results published in peer-reviewed literature on the understanding of the physics and chemistry of the Earth's atmosphere and of its susceptibility to change, in particular on the state of the ozone layer and effects on human health, environment and climate which would result from changes on all time-scales in either the total column content or the vertical distribution of ozone;
   (d) The assessment of research results and the recommendations for future research.

4. Technical information
   This includes information on:
   (a) The availability and cost of chemical substitutes and of alternative technologies to reduce the emissions of ozone-modifying substances and related planned and ongoing research;
   (b) The limitations and any risks involved in using chemical or other substitutes and alternative technologies.

5. Socio-economic and commercial information on the substances referred to in annex I
   This includes information on:
   (a) Production and production capacity;
   (b) Use and use patterns;
   (c) Imports/exports;
   (d) The costs, risks and benefits of human activities which may indirectly modify the ozone layer and of the impacts of regulatory actions taken or being considered to control these activities.

6. Legal information
   This includes information on:
   (a) National laws, administrative measures and legal research relevant to the protection of the ozone layer;
   (b) International agreements, including bilateral agreements, relevant to the protection of the ozone layer;
   (c) Methods and terms of licensing and availability of patents relevant to the protection of the ozone layer.

[For the signatures, see p. 386 of this volume.]
Montreal Protocol on Substances that Deplete the Ozone Layer, 1987
Treaty Series

Treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations

VOLUME 1522

Recueil des Traités

Traités et accords internationaux enregistrés ou classés et inscrits au répertoire au Secrétariat de l'Organisation des Nations Unies

No. 26369

MULTILATERAL

Montreal Protocol on Substances that Deplete the Ozone Layer (with annex). Concluded at Montreal on 16 September 1987

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish. Registered ex officio on 1 January 1989.

MULTILATÉRAL

Protocole de Montréal relatif à des substances qui appauvrissent la couche d'ozone (avec annexe). Conclu à Montréal le 16 septembre 1987

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol. Enregistré d'office le 1er janvier 1989.
MONTREAL PROTOCOL ON SUBSTANCES THAT DEPLETE THE OZONE LAYER

The Parties to this Protocol,

Being Parties to the Vienna Convention for the Protection of the Ozone Layer,

Mindful of their obligation under that Convention to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the ozone layer,

Recognizing that world-wide emissions of certain substances can significantly deplete and otherwise modify the ozone layer in a manner that is likely to result in adverse effects on human health and the environment,

Conscious of the potential climatic effects of emissions of these substances,

1 Came into force on 1 January 1989, the date provided for by the Agreement, since by that date at least 11 instruments of ratification, acceptance, approval or accession had been deposited by States or regional economic integration organizations representing at least two thirds of 1986 estimated global consumption of the controlled substances, and the provisions of article 17 (1) of the Vienna Convention for the Protection of the Ozone Layer had been fulfilled, in accordance with article 16 (1):.

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</tbody>
</table>

In accordance with article 16 (1) of the Vienna Convention for the Protection of the Ozone Layer concluded at Vienna on 22 March 1985, the above-mentioned States had become Parties to the said Convention on the date of deposit of their instrument of ratification, acceptance, approval of the Protocol or accession thereto.

(Continued on page 29)

AWARE that measures taken to protect the ozone layer from depletion should be based on relevant scientific knowledge, taking into account technical and economic considerations,

Determined to protect the ozone layer by taking precautionary measures to control equitably total global emissions of substances that deplete it, with the ultimate objective of their elimination on the basis of developments in scientific knowledge, taking into account technical and economic considerations,

Acknowledging that special provision is required to meet the needs of developing countries for these substances,

Noting the precautionary measures for controlling emissions of certain chlorofluorocarbons that have already been taken at national and regional levels,

Considering the importance of promoting international co-operation in the research and development of science and technology relating to the control and reduction of emissions of substances that deplete the ozone layer, bearing in mind in particular the needs of developing countries,

Have agreed as follows:

Article 1. DEFINITIONS

For the purposes of this Protocol:


2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.


4. "Controlled substance" means a substance listed in Annex A to this Protocol, whether existing alone or in a mixture. It excludes, however, any such substance or mixture which is in a manufactured product other than a container used for the transportation or storage of the substance listed.

5. "Production" means the amount of controlled substances produced minus the amount destroyed by technologies to be approved by the Parties.

(Continued from page 29)

Subsequently, for the following States and Regional Economic Integration Organization which had not become Parties to the Vienna Convention on the date of deposit of their instrument of ratification, acceptance, approval of the Protocol or accession thereto, the latter entered into force on the ninetieth day after the date on which the State or organization had deposited the said instrument, or on the date on which the Convention entered into force for that Party, whichever was the later, in accordance with article 17 (4) of the Vienna Convention:

<table>
<thead>
<tr>
<th>State or organization</th>
<th>Date of deposit of the instrument of ratification, approval (AA) or accession (a)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Luxembourg</td>
<td>17 October 1988 (With effect from 15 January 1989.)</td>
</tr>
<tr>
<td>Portugal</td>
<td>17 October 1988 (With effect from 15 January 1989.)</td>
</tr>
<tr>
<td>Nigeria</td>
<td>31 October 1988 a (With effect from 29 January 1989.)</td>
</tr>
<tr>
<td>Kenya</td>
<td>9 November 1988 (With effect from 7 February 1990.)</td>
</tr>
</tbody>
</table>

European Economic Community | 16 December 1988 AA (With effect from 16 March 1989.) |
Greece | 29 December 1988 (With effect from 29 March 1989.) |
Belgium | 30 December 1988 (With effect from 30 March 1989.)

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6. “Consumption” means production plus imports minus exports of controlled substances.

7. “Calculated levels” of production, imports, exports and consumption means levels determined in accordance with Article 3.

8. “Industrial rationalization” means the transfer of all or a portion of the calculated level of production of one Party to another, for the purpose of achieving economic efficiencies or responding to anticipated shortfalls in supply as a result of plant closures.

Article 2. Control Measures

1. Each Party shall ensure that for the twelve-month period commencing on the first day of the seventh month following the date of the entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed its calculated level of consumption in 1986. By the end of the same period, each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten percent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties.

2. Each Party shall ensure that for the twelve-month period commencing on the first day of the thirty-seventh month following the date of the entry into force of this Protocol, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances listed in Group II of Annex A does not exceed its calculated level of consumption in 1986. Each Party producing one or more of these substances shall ensure that its calculated level of production of the substances does not exceed its calculated level of production in 1986, except that such level may have increased by no more than ten percent based on the 1986 level. Such increase shall be permitted only so as to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties. The mechanisms for implementing these measures shall be decided by the Parties at their first meeting following the first scientific review.

3. Each Party shall ensure that for the period 1 July 1993 to 30 June 1994 and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, eighty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, eighty per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under Article 5 and for the purposes of industrial rationalization between Parties, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

4. Each Party shall ensure that for the period 1 July 1998 to 30 June 1999, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex A does not exceed, annually, fifty per cent of its calculated level of consumption in 1986. Each Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, fifty per cent of its calculated level of production in 1986. That Party producing one or more of these substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed, annually, fifty per cent of its calculated level of production in 1986.

5. Any Party whose calculated level of production in 1986 of the controlled substances in Group I of Annex A was less than twenty-five kilotonnes may, for the purposes of industrial rationalization, transfer or receive from any other Party, production in excess of the limits set out in paragraphs 1, 3 and 4 provided that the total combined calculated levels of production of the Parties concerned does not exceed the production limits set out in this Article. Any transfer of such production shall be notified to the secretariat, no later than the time of the transfer.

6. Any Party not operating under Article 5, that has facilities for the production of controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may produce and export from such facilities to its 1986 production of such substances for the purposes of determining its calculated level of production for 1986, provided that such facilities are completed by 31 December 1990 and that such production does not raise that Party’s annual calculated level of consumption of the controlled substances above 0.5 kilograms per capita.

7. Any transfer of production pursuant to paragraph 5 or any addition of production pursuant to paragraph 6 shall be notified to the secretariat, no later than the time of the transfer or addition.

8. (a) Any Parties which are Member States of a regional economic integration organization as defined in Article 1(6) of the Convention may agree that they may braid their obligations respecting consumption under this Article provided that their total combined calculated level of consumption does not exceed the levels required by this Article.

(b) The Parties to any such agreement shall inform the secretariat of the terms of the agreement before the date of the reduction in consumption with which the agreement is concerned.

(c) Such agreement will become operative only if all Member States of the regional economic integration organization and the organization concerned are Parties to the Protocol, and have notified the secretariat of their manner of implementation.

9. (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:

(i) Adjustments to the ozone depleting potentials specified in Annex A should be made and, if so, what the adjustments should be; and

(ii) Further adjustments and reductions of production or consumption of the controlled substances from 1986 levels should be undertaken and, if so, what
the scope, amount and timing of any such adjustments and reductions should be.

(b) Proposals for such adjustments shall be communicated to the Parties by the secretariat at least six months before the meeting of the Parties at which they are proposed for adoption.

(c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting representing at least fifty per cent of the total consumption of the controlled substances of the Parties.

(d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depositary. Unless otherwise provided in the decisions, they shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depositary.

10. (a) Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:

(i) Whether any substances, and if so which, should be added to or removed from any annex to this Protocol; and

(ii) The mechanism, scope and timing of the control measures that should apply to those substances.

(b) Any such decision shall become effective, provided that it has been accepted by a two-thirds majority vote of the Parties present and voting.

11. Notwithstanding the provisions contained in this Article, Parties may take more stringent measures than those required by this Article.

Article 3. Calculation of Control Levels

For the purposes of Articles 2 and 5, each Party shall, for each Group of substances in Annex A, determine its calculated levels of:

(a) Production by:

(i) Multiplying its annual production of each controlled substance by the ozone depleting potential specified in respect of it in Annex A; and

(ii) Adding together, for each such Group, the resulting figures;

(b) Imports and exports, respectively, by following, mutatis mutandis, the procedure set out in subparagraph (a); and

(c) Consumption by adding together its calculated levels of production and imports and subtracting its calculated level of exports as determined in accordance with subparagraphs (a) and (b). However, beginning on 1 January 1993, any export of controlled substances to non-Parties shall not be subtracted in calculating the consumption level of the exporting Party.

Article 4. Control of Trade with Non-Parties

1. Within one year of the entry into force of this Protocol, each Party shall ban the import of controlled substances from any State not party to this Protocol.

2. Beginning on 1 January 1993, no Party operating under paragraph 1 of Article 5 may export any controlled substance to any State not party to this Protocol.

3. Within three years of the date of the entry into force of this Protocol, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

4. Within five years of the entry into force of this Protocol, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to it in accordance with those procedures shall ban or restrict, within one year of the annex having become effective, the import of those products from any State not party to this Protocol.

5. Each Party shall discourage the export, to any State not party to this Protocol, of technology for producing and for utilizing controlled substances.

6. Each Party shall refrain from providing new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances.

7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances.

8. Notwithstanding the provisions of this Article, imports referred to in paragraphs 1, 3 and 4 may be permitted from any State not party to this Protocol if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2 and this Article, and has submitted data to that effect as specified in Article 7.

Article 5. Special Situation of Developing Countries

1. Any Party that is a developing country and whose annual calculated level of consumption of the controlled substances is less than 0.3 kilograms per capita on the date of the entry into force of the Protocol for it, or any time thereafter within ten years of the date of entry into force of the Protocol shall, in order to meet its basic domestic needs, be entitled to delay its compliance with the control measures set out in paragraphs 1 to 4 of Article 2 by ten years after that specified in those paragraphs. However, such Party shall not exceed an annual calculated level of consumption of 0.3 kilograms per capita. Any such Party shall be entitled to use either the average of its annual calculated level of consumption for the period 1995 to 1997 inclusive or a calculated level of consumption of 0.3 kilograms per capita, whichever is the lower, as the basis for its compliance with the control measures.
2. The Parties undertake to facilitate access to environmentally safe alternative substances and technology for Parties that are developing countries and assist them to make expeditious use of such alternatives.

3. The Parties undertake to facilitate bilaterally or multilaterally the provision of subsidies, aid, credits, guarantees or insurance programmes to Parties that are developing countries for the use of alternative technology and for substitute products.

**Article 6. Assessment and Review of Control Measures**

Beginning in 1990, and at least every four years thereafter, the Parties shall assess the control measures provided for in Article 2 on the basis of available scientific, environmental, technical and economic information. At least one year before each assessment, the Parties shall convene appropriate panels of experts qualified in the fields mentioned and determine the composition and terms of reference of any such panels. Within one year of being convened, the panels will report their conclusions, through the secretariat, to the Parties.

**Article 7. Reporting of Data**

1. Each Party shall provide to the secretariat, within three months of becoming a Party, statistical data on its production, imports and exports of each of the controlled substances for the year 1986, or the best possible estimates of such data where actual data are not available.

2. Each Party shall provide statistical data to the secretariat on its annual production (with separate data on amounts destroyed by technologies to be approved by the Parties), imports, and exports to Parties and non-Parties, respectively, of such substances for the year during which it becomes a Party and for each year thereafter. It shall forward the data no later than nine months after the end of the year to which the data relate.

**Article 8. Non-Compliance**

The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance.

**Article 9. Research, Development, Public Awareness and Exchange of Information**

1. The Parties shall co-operate, consistent with their national laws, regulations and practices and taking into account in particular the needs of developing countries, in promoting, directly or through competent international bodies, research, development and exchange of information on:

   (a) Best technologies for improving the containment, recovery, recycling or destruction of controlled substances or otherwise reducing their emissions;

   (b) Possible alternatives to controlled substances, to products containing such substances, and to products manufactured with them; and

   (c) Costs and benefits of relevant control strategies.

2. The Parties, individually, jointly or through competent international bodies, shall co-operate in promoting public awareness of the environmental effects of the emissions of controlled substances and other substances that deplete the ozone layer.

3. Within two years of the entry into force of this Protocol and every two years thereafter, each Party shall submit to the secretariat a summary of the activities it has conducted pursuant to this Article.

**Article 10. Technical Assistance**

1. The Parties shall, in the context of the provisions of Article 4 of the Convention, and taking into account in particular the needs of developing countries, co-operate in promoting technical assistance to facilitate participation in and implementation of this Protocol.

2. Any Party or Signatory to this Protocol may submit a request to the secretariat for technical assistance for the purposes of implementing or participating in the Protocol.

3. The Parties, at their first meeting, shall begin deliberations on the means of fulfilling the obligations set out in Article 9, and paragraphs 1 and 2 of this Article, including the preparation of workplans. Such workplans shall pay special attention to the needs and circumstances of the developing countries. States and regional economic integration organizations not party to the Protocol should be encouraged to participate in activities specified in such workplans.

**Article 11. Meetings of the Parties**

1. The Parties shall hold meetings at regular intervals. The secretariat shall convene the first meeting of the Parties not later than one year after the date of the entry into force of this Protocol and in conjunction with a meeting of the Conference of the Parties to the Convention, if a meeting of the latter is scheduled within that period.

2. Subsequent ordinary meetings of the Parties shall be held, unless the Parties otherwise decide, in conjunction with meetings of the Conference of the Parties to the Convention. Extraordinary meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that, within six months of such a request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

3. The Parties, at their first meeting, shall:

   (a) Adopt by consensus rules of procedure for their meetings;

   (b) Adopt by consensus the financial rules referred to in paragraph 2 of Article 13;

   (c) Establish the panels and determine the terms of reference referred to in Article 6;

   (d) Consider and approve the procedures and institutional mechanisms specified in Article 8; and

   (e) Begin preparation of workplans pursuant to paragraph 3 of Article 10.

4. The functions of the meetings of the Parties shall be to:

   (a) Review the implementation of this Protocol;

   (b) Decide on any adjustments or reductions referred to in paragraph 9 of Article 2;
(c) Decide on any addition to, insertion in or removal from any annex of substances and on related control measures in accordance with paragraph 10 of Article 2;
(d) Establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;
(e) Review requests for technical assistance submitted pursuant to paragraph 2 of Article 10;
(f) Review reports prepared by the secretariat pursuant to subparagraph (c) of Article 12;
(g) Assess, in accordance with Article 6, the control measures provided for in Article 2;
(h) Consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new annex;
(i) Consider and adopt the budget for implementing this Protocol; and
(j) Consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol.

5. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not party to this Protocol, may be represented at meetings of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to the protection of the ozone layer which has informed the secretariat of its wish to be represented at a meeting of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Parties.

Article 12. Secretariat

For the purposes of this Protocol, the secretariat shall:
(a) Arrange for and service meetings of the Parties as provided for in Article 11;
(b) Receive and make available, upon request by a Party, data provided pursuant to Article 7;
(c) Prepare and distribute regularly to the Parties reports based on information received pursuant to Articles 7 and 9;
(d) Notify the Parties of any request for technical assistance received pursuant to Article 10 so as to facilitate the provision of such assistance;
(e) Encourage non-Parties to attend the meetings of the Parties as observers and to act in accordance with the provisions of this Protocol;
(f) Provide, as appropriate, the information and requests referred to in subparagraphs (c) and (d) to such non-Party observers; and
(g) Perform such other functions for the achievement of the purposes of this Protocol as may be assigned to it by the Parties.


1. The funds required for the operation of this Protocol, including those for the functioning of the secretariat related to this Protocol, shall be charged exclusively against contributions from the Parties.

2. The Parties, at their first meeting, shall adopt by consensus financial rules for the operation of this Protocol.

Article 14. Relationship of This Protocol to the Convention

Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

Article 15. Signature


Article 16. Entry into Force

1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two thirds of 1986 estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled.

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

3. After the entry into force of this Protocol, any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 17. Parties Joining After Entry into Force

Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfill forthwith the sum of the obligations under Article 2, as well as under Article 4, that apply at that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force.

Article 18. Reservations

No reservations may be made to this Protocol.

Article 19. Withdrawal

For the purposes of this Protocol, the provisions of Article 19 of the Convention relating to withdrawal shall apply, except with respect to Parties referred to in paragraph 1 of Article 5. Any such Party may withdraw from this Protocol by
giving written notification to the Depositary at any time after four years of assuming the obligations specified in paragraphs 1 to 4 of Article 2. Any such withdrawal shall take effect upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

**Article 20. Authentic texts**

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

In witness whereof the undersigned, being duly authorized to that effect, have signed this Protocol.

Done at Montreal this sixteenth day of September, one thousand nine hundred and eighty-seven.

[For the signatures, see p. 76 of this volume.]

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**ANNEX A**

**Controlled substances**

<table>
<thead>
<tr>
<th>Group</th>
<th>Substance</th>
<th>Ozone Depleting Potential*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group I</td>
<td>CFC_{11} (CFC-11)</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>CFC_{12} (CFC-12)</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>C_{2}F_{2}Cl_{2} (CFC-113)</td>
<td>0.8</td>
</tr>
<tr>
<td></td>
<td>C_{2}F_{2}Cl (CFC-114)</td>
<td>1.0</td>
</tr>
<tr>
<td></td>
<td>C_{2}F_{2}Cl_{2} (CFC-115)</td>
<td>0.6</td>
</tr>
<tr>
<td>Group II</td>
<td>C_{2}BrCl (halon-1211)</td>
<td>3.0</td>
</tr>
<tr>
<td></td>
<td>C_{2}Br (halon-1301)</td>
<td>10.0</td>
</tr>
<tr>
<td></td>
<td>C_{2}F_{4}Br_{2} (halon-2402)</td>
<td>(To be determined)</td>
</tr>
</tbody>
</table>

* These ozone depleting potentials are estimates based on existing knowledge and will be reviewed and revised periodically.

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1 In accordance with the relevant provisions of article 11 of the Protocol, the Parties decided, at their first meeting held in Helsinki, on 5 May 1989, to set the value for the ozone depleting potential for halon-2402 to 6.0.
Convention on Early Notification of a Nuclear Accident, 1986
CONVENTION¹ ON EARLY NOTIFICATION OF A NUCLEAR ACCIDENT

The States Parties to this Convention,

Aware that nuclear activities are being carried out in a number of States,
Noting that comprehensive measures have been and are being taken to ensure a high level of safety in nuclear activities, aimed at preventing nuclear accidents and minimizing the consequences of any such accident, should it occur,
Desiring to strengthen further international co-operation in the safe development and use of nuclear energy,
Convinced of the need for States to provide relevant information about nuclear accidents as early as possible in order that transboundary radiological consequences can be minimized,
Noting the usefulness of bilateral and multilateral arrangements on information exchange in this area,
Have agreed as follows:

Article 1. Scope of Application

1. This Convention shall apply in the event of any accident involving facilities or activities of a State Party or of persons or legal entities under its jurisdiction or control, referred to in paragraph 2 below, from which a release of radioactive material occurs or is likely to occur and which has resulted or may result in an international transboundary release that could be of radiological safety significance for another State.

2. The facilities and activities referred to in paragraph 1 are the following:
(a) Any nuclear reactor wherever located;
(b) Any nuclear fuel cycle facility;
(c) Any radioactive waste management facility;
(d) The transport and storage of nuclear fuels or radioactive wastes;
(e) The manufacture, use, storage, disposal and transport of radioisotopes for agricultural, industrial, medical and related scientific and research purposes; and
(f) The use of radioisotopes for power generation in space objects.

¹ Came into force on 27 October 1986, i.e., 30 days after consent to be bound had been expressed by three States either by signature or by deposit with the Director General of the International Atomic Energy Agency of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an Instrument of accession, in accordance with article 12 (3):

<table>
<thead>
<tr>
<th>State</th>
<th>Date of definitive signature</th>
</tr>
</thead>
<tbody>
<tr>
<td>Czechoslovakia*</td>
<td>26 September 1986</td>
</tr>
<tr>
<td>Denmark</td>
<td>26 September 1986</td>
</tr>
<tr>
<td>Norway</td>
<td>26 September 1986</td>
</tr>
</tbody>
</table>

* For the text of the reservations made upon definitive signature, see p. 347 of this volume.
Article 2. Notification and Information

In the event of an accident specified in article 1 (hereinafter referred to as a "nuclear accident"), the State Party referred to in that article shall:

(a) Forthwith notify, directly or through the International Atomic Energy Agency (hereinafter referred to as the "Agency"), those States which are or may be physically affected as specified in article 1 and the Agency of the nuclear accident, its nature, the time of its occurrence and its exact location where appropriate; and

(b) Promptly provide the States referred to in sub-paragraph (a), directly or through the Agency, and the Agency with such available information relevant to minimizing the radiological consequences in those States, as specified in article 5.

Article 3. Other Nuclear Accidents

With a view to minimizing the radiological consequences, States Parties may notify in the event of nuclear accidents other than those specified in article 1.

Article 4. Functions of the Agency

The Agency shall:

(a) Forthwith inform States Parties, Member States, other States which are or may be physically affected as specified in article 1 and relevant international intergovernmental organizations (hereinafter referred to as "international organizations") of a notification received pursuant to sub-paragraph (a) of article 2; and

(b) Promptly provide any State Party, Member State or relevant international organization, upon request, with the information received pursuant to subparagraph (b) of article 2.

Article 5. Information to be Provided

1. The information to be provided pursuant to sub-paragraph (b) of article 2 shall comprise the following data as then available to the notifying State Party:

(a) The time, exact location where appropriate, and the nature of the nuclear accident;

(b) The facility or activity involved;

(c) The assumed or established cause and the foreseeable development of the nuclear accident relevant to the transboundary release of the radioactive materials;

(d) The general characteristics of the radioactive release, including, as far as is practicable and appropriate, the nature, probable physical and chemical form and the quantity, composition and effective height of the radioactive release;

(e) Information on current and forecast meteorological and hydrological conditions, necessary for forecasting the transboundary release of the radioactive materials;

(f) The results of environmental monitoring relevant to the transboundary release of the radioactive materials;

(g) The off-site protective measures taken or planned;

(h) The predicted behaviour over time of the radioactive release.

2. Such information shall be supplemented at appropriate intervals by further relevant information on the development of the emergency situation, including its foreseeable or actual termination.

3. Information received pursuant to sub-paragraph (b) of article 2 may be used without restriction, except when such information is provided in confidence by the notifying State Party.

Article 6. Consultations

A State Party providing information pursuant to sub-paragraph (b) of article 2 shall, as far as is reasonably practicable, respond promptly to a request for further information or consultations sought by an affected State Party with a view to minimizing the radiological consequences in that State.

Article 7. Competent Authorities and Points of Contact

1. Each State Party shall make known to the Agency and to other States Parties, directly or through the Agency, its competent authorities and point of contact responsible for issuing and receiving the notification and information referred to in article 2. Such points of contact and a focal point within the Agency shall be available continuously.

2. Each State Party shall promptly inform the Agency of any changes that may occur in the information referred to in paragraph 1.

3. The Agency shall maintain an up-to-date list of such national authorities and points of contact as well as points of contact of relevant international organizations and shall provide it to States Parties and Member States and to relevant international organizations.

Article 8. Assistance to States Parties

The Agency shall, in accordance with its Statute and upon a request of a State Party which does not have nuclear activities itself and borders on a State having an active nuclear programme but not Party, conduct investigations into the feasibility and establishment of an appropriate radiation monitoring system in order to facilitate the achievement of the objectives of this Convention.

Article 9. Bilateral and Multilateral Arrangements

In furtherance of their mutual interests, States Parties may consider, where deemed appropriate, the conclusion of bilateral or multilateral arrangements relating to the subject matter of this Convention.

Article 10. Relationship to Other International Agreements

This Convention shall not affect the reciprocal rights and obligations of States Parties under existing international agreements which relate to the matters covered by this Convention, or under future international agreements concluded in accordance with the object and purpose of this Convention.

Article 11. Settlement of Disputes

1. In the event of a dispute between States Parties, or between a State Party and the Agency, concerning the interpretation or application of this Convention, the parties to the dispute shall consult with a view to the settlement of the dispute by negotiation or by any other peaceful means of settling disputes acceptable to them.
2. If a dispute of this character between States Parties cannot be settled within one year from the request for consultation pursuant to paragraph 1, it shall, at the request of any party to such dispute, be submitted to arbitration or referred to the International Court of Justice for decision. Where a dispute is submitted to arbitration, if, within six months from the date of the request, the parties to the dispute are unable to agree on the organization of the arbitration, a party may request the President of the International Court of Justice or the Secretary-General of the United Nations to appoint one or more arbitrators. In cases of conflicting requests by the parties to the dispute, the request to the Secretary-General of the United Nations shall have priority.

3. When signing, ratifying, accepting, approving or acceding to this Convention, a State may declare that it does not consider itself bound by either or both of the dispute settlement procedures provided for in paragraph 2. The other States Parties shall not be bound by a dispute settlement procedure provided for in paragraph 2 with respect to a State Party for which such a declaration is in force.

4. A State Party which has made a declaration in accordance with paragraph 3 may at any time withdraw it by notification to the depository.

Article 12. ENTRY INTO FORCE

1. This Convention shall be open for signature by all States and Namibia, represented by the United Nations Council for Namibia, at the Headquarters of the International Atomic Energy Agency in Vienna and at the Headquarters of the United Nations in New York, from 26 September 1986 and 6 October 1986 respectively, until its entry into force or for twelve months, whichever period is longer.

2. A State and Namibia, represented by the United Nations Council for Namibia, may express its consent to be bound by this Convention either by signature, or by deposit of an instrument of ratification, acceptance or approval following signature made subject to ratification, acceptance or approval, or by deposit of an instrument of accession. The Instruments of ratification, acceptance, approval or accession shall be deposited with the depository.

3. This Convention shall enter into force thirty days after consent to be bound has been expressed by three States.

4. For each State expressing consent to be bound by this Convention after its entry into force, this Convention shall enter into force for that State thirty days after the date of expression of consent.

5. (a) This Convention shall be open for accession, as provided for in this article, by international organizations and regional integration organizations constituted by sovereign States, which have competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.

(b) In matters within their competence such organizations shall, on their own behalf, exercise the rights and fulfill the obligations which this Convention attributes to States Parties.

(c) When depositing its instrument of accession, such an organization shall communicate its consent to the depository a declaration indicating the extent of its competence in respect of matters covered by this Convention.

(d) Such an organization shall not hold any vote additional to those of its Member States.

Article 13. PROVISIONAL APPLICATION

A State may, upon signature or at any later date before this Convention enters into force for it, declare that it will apply this Convention provisionally.

Article 14. AMENDMENTS

1. A State Party may propose amendments to this Convention. The proposed amendment shall be submitted to the depository who shall circulate it immediately to all other States Parties.

2. If a majority of the States Parties request the depository to convene a conference to consider the proposed amendments, the depository shall invite all States Parties to attend such a conference to begin not sooner than thirty days after the invitation is issued. Any amendment adopted at the conference by a two-thirds majority of all States Parties shall be laid down in a protocol which is open to signature in Vienna and New York by all States Parties.

3. The protocol shall enter into force thirty days after consent to be bound has been expressed by three States. For each State expressing consent to be bound by the protocol after its entry into force, the protocol shall enter into force for that State thirty days after the date of expression of consent.

Article 15. DENUNCIATION

1. A State Party may denounce this Convention by written notification to the depository.

2. Denunciation shall take effect one year following the date on which the notification is received by the depository.

Article 16. DEPOSITORY

1. The Director General of the Agency shall be the depository of this Convention.

2. The Director General of the Agency shall promptly notify States Parties and all other States of:

(a) Each signature of this Convention or any protocol of amendment;

(b) Each deposit of an instrument of ratification, acceptance, approval or accession concerning this Convention or any protocol of amendment;

(c) Any declaration or withdrawal thereof in accordance with article 11;

(d) Any declaration of provisional application of this Convention in accordance with article 13;

(e) The entry into force of this Convention and of any amendment thereto; and

(f) Any denunciation made under article 15.

Article 17. AUTHENTIC TEXTS AND CERTIFIED COPIES

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Director General of the International Atomic Energy Agency who shall send certified copies to States Parties and all other States.
In witness whereof the undersigned, being duly authorized, have signed this Convention, open for signature as provided for in paragraph 1 of article 12.

Adopted by the General Conference of the International Atomic Energy Agency meeting in special session at Vienna on the twenty-sixth day of September one thousand nine hundred and eighty-six.

[For signature pages, see p. 317 of this volume.]
No. 28911

MULTILATERAL


Authentic texts: Arabic, Chinese, English, French, Russian and Spanish.
Registered ex officio on 5 May 1992.

MULTILATÉRAL

Convention de Bâle sur le coutrôle des mouvements trans-frontières de déchets dangereux et de leur élimination (avec annexes). Conclue à Bâle le 22 mars 1989

BASEL CONVENTION\(^1\) ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

PREAMBLE

The Parties to this Convention,

Aware of the risk of damage to human health and the environment caused by hazardous wastes and other wastes and the transboundary movement thereof,

Mindful of the growing threat to human health and the environment posed by the increased generation and complexity, and transboundary movement of hazardous wastes and other wastes,

Mindful also that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

Convinced that States should take necessary measures to ensure that the management of hazardous wastes and other wastes including their transboundary movement and disposal is consistent with the protection of human health and the environment whatever the place of their disposal.

\(^1\) Came into force on 5 May 1992, i.e., the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, formal confirmation, approval or accession, in accordance with article 25 (1):

<table>
<thead>
<tr>
<th>Participant</th>
<th>Date of deposit of the instrument of ratification, acceptance (A) or approval (AA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Argentina</td>
<td>27 June 1991</td>
</tr>
<tr>
<td>Australia</td>
<td>5 February 1992</td>
</tr>
<tr>
<td>China</td>
<td>17 December 1991</td>
</tr>
<tr>
<td>Czechoslovakia</td>
<td>24 July 1991</td>
</tr>
<tr>
<td>El Salvador</td>
<td>13 December 1991</td>
</tr>
<tr>
<td>Finland</td>
<td>19 November 1991</td>
</tr>
<tr>
<td>France</td>
<td>7 January 1992</td>
</tr>
<tr>
<td>Hungary</td>
<td>21 May 1990 AA</td>
</tr>
<tr>
<td>Jordan</td>
<td>23 June 1990 AA</td>
</tr>
<tr>
<td>Liechtenstein</td>
<td>27 January 1992</td>
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<tr>
<td>Mexico*</td>
<td>22 February 1991</td>
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<tr>
<td>Nigeria</td>
<td>22 July 1990</td>
</tr>
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<td>Norway*</td>
<td>21 July 1990</td>
</tr>
<tr>
<td>Panama*</td>
<td>22 February 1991</td>
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<tr>
<td>Romania*</td>
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</tr>
<tr>
<td>Saudi Arabia</td>
<td>7 March 1990</td>
</tr>
<tr>
<td>Sweden</td>
<td>2 August 1991</td>
</tr>
<tr>
<td>Switzerland</td>
<td>31 January 1990</td>
</tr>
<tr>
<td>Syria*</td>
<td>22 January 1992</td>
</tr>
<tr>
<td>Syrian Arab Republic</td>
<td>21 April 1992</td>
</tr>
</tbody>
</table>

Subsequently, the Convention came into force for the following States on the ninetieth day after the date of deposit of their instruments of ratification, acceptance, formal confirmation, approval or accession, in accordance with article 25 (2):

<table>
<thead>
<tr>
<th>Participant</th>
<th>Date of deposit of the instrument of ratification or accession (A)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Poland*</td>
<td>20 March 1992</td>
</tr>
<tr>
<td>Latvia*</td>
<td>14 April 1992 a</td>
</tr>
<tr>
<td>Maldives</td>
<td>28 April 1992 a</td>
</tr>
</tbody>
</table>

* See p. 335 of this volume for the texts of the declarations made upon ratification or accession.

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Noting that States should ensure that the generator should carry out duties with regard to the transport and disposal of hazardous wastes and other wastes in a manner that is consistent with the protection of the environment, whatever the place of disposal,

Fully recognizing that any State has the sovereign right to ban the entry or disposal of foreign hazardous wastes and other wastes in its territory,

Recognizing also the increasing desire for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially developing countries,

Convinced that hazardous wastes and other wastes should, as far as is compatible with environmentally sound and efficient management, be disposed of in the State where they were generated,

Aware also that transboundary movements of such wastes from the State of their generation to any other State should be permitted only when conducted under conditions which do not endanger human health and the environment, and under conditions in conformity with the provisions of this Convention,

Considering that enhanced control of transboundary movements of hazardous wastes and other wastes will act as an incentive for their environmentally sound management and for the reduction of the volume of such transboundary movement,

Convincing that States should take measures for the proper exchange of information on and control of the transboundary movement of hazardous wastes and other wastes from and to those States,

Noting that a number of international and regional agreements have addressed the issue of protection and preservation of the environment with regard to the transit of dangerous goods,


\(^2\) UNEP/PC.14/17, annex II.

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Article 1

Scope of the Convention

1. The following wastes that are subject to transboundary movement shall be "hazardous wastes" for the purposes of this Convention:

   (a) Wastes that belong to any category contained in Annex I, unless they do not possess any of the characteristics contained in Annex III; and

   (b) Wastes that are not covered under paragraph (a) but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the Party of export, import or transit.

2. Wastes that belong to any category contained in Annex II that are subject to transboundary movement shall be "other wastes" for the purposes of this Convention.

3. Wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials, are excluded from the scope of this Convention.

4. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, are excluded from the scope of this Convention.

Article 2

Definitions

For the purposes of this Convention:

1. "Wastes" are substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;

2. "Management" means the collection, transport and disposal of hazardous wastes or other wastes, including after-care of disposal sites;

3. "Transboundary movement" means any movement of hazardous wastes or other wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;

4. "Disposal" means any operation specified in Annex IV to this Convention;

5. "Approved site or facility" means a site or facility for the disposal of hazardous wastes or other wastes which is authorised or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;

6. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think

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fit, for receiving the notification of a transboundary movement of hazardous wastes or other wastes, and any information related to it, and for responding to such a notification, as provided in Article 6;

7. "Focal point" means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;

8. "Environmentally sound management of hazardous wastes or other wastes" means taking all practicable steps to ensure that hazardous wastes or other wastes are managed in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;

9. "Area under the national jurisdiction of a State" means any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;

10. "State of export" means a Party from which a transboundary movement of hazardous wastes or other wastes is planned to be initiated or is initiated;

11. "State of import" means a Party to which a transboundary movement of hazardous wastes or other wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;

12. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes or other wastes is planned or takes place;

13. "States concerned" means Parties which are States of export or import, or transit States, whether or not Parties;

14. "Person" means any natural or legal person;

15. "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes or other wastes to be exported;

16. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes or other wastes to be imported;

17. "Carrier" means any person who carries out the transport of hazardous wastes or other wastes;

18. "Generator" means any person whose activity produces hazardous wastes or other wastes or, if that person is not known, the person who is in possession and/or control of those wastes;

19. "Disposer" means any person to whom hazardous wastes or other wastes are shipped and who carries out the disposal of such wastes;

20. "Political and/or economic integration organization" means an organization constituted by sovereign States to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve, formally confirm or accede to it;

21. "Illegal traffic" means any transboundary movement of hazardous wastes or other wastes as specified in Article 9.

Article 3
National Definitions of Hazardous Wastes

1. Each Party shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.

2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to paragraph 1.

3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to paragraphs 1 and 2.

4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 available to their exporters.

Article 4
General Obligations

1. (a) Parties exercising their right to prohibit the import of hazardous wastes or other wastes for disposal shall inform the other Parties of their decision pursuant to Article 13.

(b) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes to the Parties which have prohibited the import of such wastes, when notified pursuant to subparagraph (a) above.

(c) Parties shall prohibit or shall not permit the export of hazardous wastes and other wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes.

2. Each Party shall take the appropriate measures to:

(a) Ensure that the generation of hazardous wastes and other wastes within it is reduced to a minimum, taking into account social, technological and economic aspects;

(b) Ensure the availability of adequate disposal facilities, for the environmentally sound management of hazardous wastes and other wastes, that shall be located, to the extent possible, within it, whatever the place of their disposal;

(c) Ensure that persons involved in the management of hazardous wastes or other wastes within it take such steps as are necessary to prevent pollution due to hazardous wastes and other wastes arising from such
management and, if such pollution occurs, to minimize the consequences thereof for human health and the environment;

(d) Ensure that the transboundary movement of hazardous wastes and other wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movement;

(e) Not allow the export of hazardous wastes or other wastes to a State or group of States belonging to an economic and/or political integration organization that are Parties, particularly developing countries, which have prohibited by their legislation all imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting.

(f) Require that information about a proposed transboundary movement of hazardous wastes and other wastes be provided to the States concerned, according to Annex V A, to state clearly the effects of the proposed movement on human health and the environment;

(g) Prevent the import of hazardous wastes and other wastes if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner;

(h) Co-operate in activities with other Parties and interested organizations, directly and through the Secretariat, including the dissemination of information on the transboundary movement of hazardous wastes and other wastes, in order to improve the environmentally sound management of such wastes and to achieve the prevention of illegal traffic;

3. The Parties consider that illegal traffic in hazardous wastes or other wastes is criminal.

4. Each Party shall take appropriate legal, administrative and other measures to implement and enforce the provisions of this Convention, including measures to prevent and punish conduct in contravention of the Convention.

5. A Party shall not permit hazardous wastes or other wastes to be exported to a non-Party or to be imported from a non-Party.

6. The Parties agree not to allow the export of hazardous wastes or other wastes for disposal within the area south of 60° South latitude, whether or not such wastes are subject to transboundary movement.

7. Furthermore, each Party shall:

(a) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes or other wastes unless such persons are authorized or allowed to perform such types of operations;

(b) Require that hazardous wastes and other wastes that are to be the subject of a transboundary movement be packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling, and transport, and that due account is taken of relevant internationally recognized practices;

(c) Require that hazardous wastes and other wastes be accompanied by a movement document from the point at which a transboundary movement commences to the point of disposal.

8. Each Party shall require that hazardous wastes or other wastes, to be exported, are managed in an environmentally sound manner in the State of import or elsewhere. Technical guidelines for the environmentally sound management of wastes subject to this Convention shall be decided by the Parties at their first meeting.

9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:

(a) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner; or

(b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import;

(c) The transboundary movement in question is in accordance with other criteria to be decided on by the Parties, provided those criteria do not differ from the objectives of this Convention.

10. The obligation under this Convention of States in which hazardous wastes and other wastes are generated to require that those wastes are managed in an environmentally sound manner may not under any circumstances be transferred to the States of import or transit.

11. Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order better to protect human health and the environment.

12. Nothing in this Convention shall affect in any way the sovereign rights of States over their territorial sea established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

13. Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes and other wastes which are exported to other States, in particular to developing countries.
Article 5

Designation of Competent Authorities and Focal Point

To facilitate the implementation of this Convention, the Parties shall:

1. Designate or establish one or more competent authorities and one focal point. One competent authority shall be designated to receive the notification in case of a State of transit.

2. Inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which agencies they have designated as their focal point and their competent authorities.

3. Inform the Secretariat, within one month of the date of decision, of any changes regarding the designation made by them under paragraph 2 above.

Article 6

Transboundary Movement between Parties

1. The State of export shall notify, or shall require the generator or exporter to notify, in writing, through the channel of the competent authority of the State of export, the competent authority of the States concerned of any proposed transboundary movement of hazardous wastes or other wastes. Such notification shall contain the declarations and information specified in Annex I, written in a language acceptable to the State of import. Only one notification needs to be sent to each State concerned.

2. The State of import shall respond to the notifier in writing, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. A copy of the final response of the State of import shall be sent to the competent authorities of the States concerned which are Parties.

3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:

   (a) The notifier has received the written consent of the State of import; and

   (b) The notifier has received from the State of import confirmation of the existence of a contract between the exporter and the disposer specifying environmentally sound management of the wastes in question.

4. Each State of transit which is a Party shall promptly acknowledge to the notifier receipt of the notification. It may subsequently respond to the notifier in writing, within 60 days, consenting to the movement with or without conditions, denying permission for the movement, or requesting additional information. The State of export shall not allow the transboundary movement to commence until it has received the written consent of the State of transit. However, if at any time a Party decides not to require prior written consent, either generally or under specific conditions, for transit transboundary movements of hazardous wastes or other wastes, or modifies its requirements in this respect, it shall forthwith inform the other Parties of its decision pursuant to Article 11. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.

5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:

   (a) By the State of export, the requirements of paragraph 9 of this Article that apply to the importer or disposer and the State of import shall apply mutatis mutandis to the exporter and State of export, respectively;

   (b) By the State of import, or by the States of import and transit which are Parties, the requirements of paragraphs 1, 3, 4 and 6 of this Article that apply to the exporter and State of export shall apply mutatis mutandis to the importer or disposer and State of import, respectively; or

   (c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.

6. The State of export may, subject to the written consent of the States concerned, allow the generator or the exporter to use a general notification of where hazardous wastes or other wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of exit of the State of export, via the same customs office of entry of the State of import, and, in the case of transit, via the same customs office of exit and entry of the State or States of transit.

7. The States concerned may make their written consent to the use of the general notification referred to in paragraph 6 subject to the supply of certain information, such as the exact quantities and/or periodical lists of hazardous wastes or other wastes to be shipped.

8. The general notification and written consent referred to in paragraphs 6 and 7 may cover multiple shipments of hazardous wastes or other wastes during a maximum period of 12 months.

9. The Parties shall require that each person who takes charge of a transboundary movement of hazardous wastes or other wastes sign the movement document either: upon delivery or receipt of the wastes in question. They shall also require that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall so notify the State of import.

10. The notification and response required by this Article shall be transmitted to the competent authority of the Parties concerned or to such governmental authority as may be appropriate in the case of non-Parties.
11. Any transboundary movement of hazardous wastes or other wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party.

**Article 7**

**Transboundary Movement from a Party through States which are not Parties**

Paragraph [10] of Article 6 of the Convention shall apply mutatis mutandis to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

**Article 8**

**Duty to Re-import**

When a transboundary movement of hazardous wastes or other wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner, within 90 days from the time that the importing State informed the State of export and the Secretariat, or such other period of time as the States concerned agree. To this end, the State of export and any Party of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

**Article 9**

**Illegal Traffic**

1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:

   (a) without notification pursuant to the provisions of this Convention to all States concerned; or

   (b) without the consent pursuant to the provisions of this Convention of a State concerned; or

   (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or

   (d) that does not conform in a material way with the documents; or

   (e) that results in deliberate disposal (e.g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law,

shall be deemed to be illegal traffic.

2. In case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the State of export shall ensure that the wastes in question are:

   (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,

   (b) are otherwise disposed of in accordance with the provisions of this Convention,

within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.

3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall co-operate, as necessary, in the disposal of the wastes in an environmentally sound manner.

4. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through co-operation, that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

5. Each Party shall introduce appropriate national/domestic legislation to prevent and punish illegal traffic. The Parties shall co-operate with a view to achieving the objects of this Article.

**Article 10**

**International Co-operation**

1. The Parties shall co-operate with each other in order to improve and achieve environmentally sound management of hazardous wastes and other wastes.

2. To this end, the Parties shall:

   (a) upon request, make available information, whether on a bilateral or multilateral basis, with a view to promoting the environmentally sound management of hazardous wastes and other wastes, including harmonisation of
technical standards and practices for the adequate management of hazardous wastes and other wastes;

(b) Co-operate in monitoring the effects of the management of hazardous wastes on human health and the environment;

(c) Co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound low-waste technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and other wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new or improved technologies;

(d) Co-operate actively, subject to their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes and other wastes. They shall also co-operate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;

(e) Co-operate in developing appropriate technical guidelines and/or codes of practice.

3. The Parties shall employ appropriate means to co-operate in order to assist developing countries in the implementation of subparagraphs a, b, c and d of paragraph 2 of Article 4.

4. Taking into account the needs of developing countries, co-operation between Parties and the competent international organizations is encouraged to promote, inter alia, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

**Article 12**

**Consultations on Liability**

The Parties shall co-operate with a view to adopting, as soon as practicable, a protocol setting out appropriate rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes and other wastes.

**Article 13**

**Transmission of Information**

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

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

   (a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5;

   (b) Changes in their national definition of hazardous wastes, pursuant to Article 3;

   and, as soon as possible,

   (c) Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;

   (d) Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;

   (e) Any other information required pursuant to paragraph 4 of this Article.

3. The Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15, before the end of each calendar year, a report on the previous calendar year, containing the following information:

   (a) Competent authorities and focal points that have been designated by them pursuant to Article 5;
(b) Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:

(i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;

(ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;

(iii) Disposals which did not proceed as intended;

(iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;

(c) Information on the measures adopted by them in implementation of this Convention;

(d) Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;

(e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;

(f) Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;

(g) Information on disposal options operated within the area of their jurisdiction;

(h) Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and

(i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

Article 14

Financial Aspects

1. The Parties agree that, according to the specific needs of different regions and subregions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

Article 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.

4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.

5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:

(a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;

(b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, inter alia, available scientific, technical, economic and environmental information;

(c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11;

(d) Consider and adopt protocols as required; and
(e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

4. The United Nations, its specialized agencies, as well as any State not party to this Convention, may be represented as observers at meetings of the Conference of the Parties. Any other body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes or other wastes which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of 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.

7. The Conference of the Parties shall undertake three years after the entry into force of this Convention, and at least every six years thereafter, an evaluation of its effectiveness and, if deemed necessary, to consider the adoption of a complete or partial ban of transboundary movements of hazardous wastes and other wastes in light of the latest scientific, environmental, technical and economic information.

Article 16
Secretariat

§ 1. The functions of the Secretariat shall be:

(a) To arrange for and service meetings provided for in Article 15 and 17;

(b) To prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11 and 13 as well as upon information derived from meetings of subsidiary bodies established under Article 15 as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;

(c) To prepare reports on its activities carried out in implementation of its functions under this Convention and present them to the Conference of the Parties;

(d) To ensure the necessary coordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(e) To communicate with focal points and competent authorities established by the Parties in accordance with Article 5 of this Convention;

(f) To compile information concerning authorized national sites and facilities of Parties available for the disposal of their hazardous wastes and other wastes and to circulate this information among Parties;

(g) To receive and convey information from and to Parties on:

- sources of advice and expertise; and
- availability of resources

with a view to assisting them, upon request, in such areas as:

- the handling of the notification system of this Convention;
- the management of hazardous wastes and other wastes;
- environmentally sound technologies relating to hazardous wastes and other wastes, such as low- and non-waste technology;
- the assessment of disposal capabilities and sites;
- the monitoring of hazardous wastes and other wastes; and
- emergency responses;

(h) To provide Parties, upon request, with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them to examine a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes or other wastes with the relevant notification, and/or the fact that the proposed disposal facilities for hazardous wastes or other wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examination would not be at the expense of the Secretariat;

(i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) To co-operate with Parties and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15.

3. At its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organizations which have signified their willingness to carry out the secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the Interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

Article 17
Amendment of the Convention

1. Any Party may propose amendments to this Convention and any Party to a protocol may propose amendments to that protocol. Such amendments shall take due account, inter alia, of relevant scientific and technical considerations.
2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-quarters majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval, formal confirmation or acceptance.

4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that protocol present and voting at the meeting shall suffice for their adoption.

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depositary. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between Parties having accepted them on the ninetieth day after the receipt by the Depositary of their instrument of ratification, approval, formal confirmation or acceptance by at least three-fourths of the Parties who accepted the amendments to the protocol concerned, except as may otherwise be provided in such protocol. The amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

**Article 18**

Adoption and Amendment of Annexes

1. The annexes to this Convention or to any protocol shall form an integral part of this Convention or of such protocol, as the case may be, and, unless expressly provided otherwise, a reference to this Convention or its protocols constitutes at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any protocol with respect to its annexes, the following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

   (a) Annexes to this Convention and its protocols shall be proposed and adopted according to the procedure laid down in Article 17, paragraphs 2, 3 and 4;

   (b) Any Party that is unable to accept an additional annex to this Convention or an annex to any protocol to which it is party shall so notify the Depositary, in writing, within six months from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

   (c) On the expiry of six months from the date of the circulation of the communication by the Depositary, the annex shall become effective for all Parties to this Convention or to any protocol concerned, which have not submitted a notification in accordance with the provision of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the protocol enters into force.

**Article 19**

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whose the allegations are made. All relevant information should be submitted by the Secretariat to the Parties.

**Article 20**

Settlement of Disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in Annex VI on Arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the
Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. Whenratifying, accepting, approving, formally confirming or acceding to this Convention or at any time thereafter, a State or political and/or economic integration organization may declare that it recognizes the compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

(a) submission of the dispute to the International Court of Justice;
and/or

(b) arbitration in accordance with the procedures set out in Annex VI.

Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

Article 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989, and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

Article 22

Ratification, Acceptance, Formal Confirmation or Approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organizations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Party to this Convention without any of its 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 formal confirmation or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

Article 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary of any substantial modification in the extent of their competence.

3. The provisions of Article 22 paragraph 2, shall apply to political and/or economic integration organizations which accede to this Convention.

Article 24

Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.

2. Political and/or economic integration organizations, in matters within their competence, in accordance with Article 22, paragraph 3, and Article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 25

Entry into Force

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

2. For each State or political and/or economic integration organization which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.

3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a political and/or economic integration organization shall not be counted as additional to those deposited by member States of such organization.
Article 26
Reservations and Declarations

1. No reservation or exception may be made to this Convention.

2. Paragraph 1 of this Article does not preclude a State or political and/or economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

Article 27
Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

Article 28
Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and of any protocol thereto.

Article 29
Authentic texts

The original Arabic, Chinese, English, French, Russian and Spanish texts of this Convention are equally authentic.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at ... on the 22nd day of ... 1989

[For the signatures, see p. 278 of this volume.]
Y31 Inorganic cyanides
Y34 Acidic solutions or acids in solid form
Y35 Basic solutions or bases in solid form
Y36 Asbestos (dust and fibres)
Y37 Organic phosphorous compounds
Y38 Organic cyanides
Y39 Phenols; phenol compounds including chlorophenols
Y40 Ethers
Y41 Halogenated organic solvents
Y42 Organic solvents excluding halogenated solvents
Y43 Any congenor of polychlorinated dibenzo-furan
Y44 Any congenor of polychlorinated dibenzo-p-dioxin
Y45 Organohalogen compounds other than substances referred to in this Annex (eg. Y39, Y41, Y42, Y43, Y44).

Annex II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

Y46 Wastes collected from households
Y47 Residues arising from the incineration of household wastes
## Annex III

### LIST OF HAZARDOUS CHARACTERISTICS

<table>
<thead>
<tr>
<th>UV Class*</th>
<th>Code</th>
<th>Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>X1</td>
<td>Explosive</td>
</tr>
<tr>
<td></td>
<td></td>
<td>An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.</td>
</tr>
<tr>
<td>3</td>
<td>X3</td>
<td>Flammable liquids</td>
</tr>
<tr>
<td></td>
<td></td>
<td>The word &quot;flammable&quot; has the same meaning as &quot;inflammable&quot;. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)</td>
</tr>
<tr>
<td>4.1</td>
<td>X4.1</td>
<td>Flammable solids</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Solids, or waste solids, other than those classified as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.</td>
</tr>
<tr>
<td>4.2</td>
<td>X4.2</td>
<td>Substances or wastes liable to spontaneous combustion</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.</td>
</tr>
<tr>
<td>4.3</td>
<td>X4.3</td>
<td>Substances or wastes which, in contact with water emit flammable gases</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.</td>
</tr>
</tbody>
</table>

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterise potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I. In order to decide if these materials exhibit any of the characteristics listed in this Annex.

Annex IV

DISPOSAL OPERATIONS

A. OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE RECOVERY, RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES

Section A encompasses all such disposal operations which occur in practice.

D1 Deposit into or onto land, (e.g., landfill, etc.)
D2 Land treatment, (e.g., biodegradation of liquid or sludgy discards in soils, etc.)
D3 Deep injection, (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
D4 Surface impoundment, (e.g., placement of liquid or sludge discards into pits, ponds or lagoons, etc.)
D5 Specially engineered landfill, (e.g., placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
D6 Release into a water body except seas/oceans
D7 Release into seas/oceans including sea-bed insertion
D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A
D9 Physico chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A, (e.g., evaporation, drying, calcination, neutralisation, precipitation, etc.)
D10 Incineration on land
D11 Incineration at sea
D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)
D13 Blending or mixing prior to submission to any of the operations in Section A
D14 Repackaging prior to submission to any of the operations in Section A
D15 Storage pending any of the operations in Section A
B. OPERATIONS WHICH MAY LEAD TO RESOURCE RECOVERY, RECYCLING, RECLAMATION, DIRECT RE-USE OR ALTERNATIVE USES

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A.

R1 Use as a fuel (other than in direct incineration) or other means to generate energy
R2 Solvent reclamation/regeneration
R3 Recycling/reclamation of organic substances which are not used as solvents
R4 Recycling/reclamation of metals and metal compounds
R5 Recycling/reclamation of other inorganic materials
R6 Regeneration of acids or bases
R7 Recovery of components used for pollution abatement
R8 Recovery of components from catalysts
R9 Used oil re-refining or other reuses of previously used oil
R10 Land treatment resulting in benefit to agriculture or ecological improvement
R11 Uses of residual materials obtained from any of the operations numbered R1-R10
R12 Exchange of wastes for submission to any of the operations numbered R1-R11
R13 Accumulation of material intended for any operation in Section B

Annex V.A

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export
2. Exporter of the waste /
3. Generator(s) of the waste and site of generation /
4. Disposer of the waste and actual site of disposal /
5. Intended carrier(s) of the waste or their agents, if known /
6. Country of export of the waste
   Competent authority /
7. Expected countries of transit
   Competent authority /
8. Country of import of the waste
   Competent authority /
9. General or single notification
10. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit) /
11. Means of transport envisaged (road, rail, sea, air, inland waters)
12. Information relating to insurance /
13. Designation and physical description of the waste including Y number and UN number and its composition and information on any special handling requirements including emergency provisions in case of accidents
14. Type of packaging envisaged (eg. bulk, drummed, tanker)
15. Estimated quantity in weight/volume /
16. Process by which the waste is generated /
17. For wastes listed in Annex I, classifications from Annex III: hazardous characteristic, B number, and UN class.
18. Method of disposal as per Annex IV
19. Declaration by the generator and exporter that the information is correct
20. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.
21. Information concerning the contract between the exporter and disposer.
Notes

1. Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.

2. Full name and address, telephone, telex or telefax number.

3. In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.

4. Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.

5. The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.

6. In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.

7. For so far as it is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

Annex V B

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste 1/

2. Generator(s) of the waste and site of generation 1/

3. Disposer of the waste and actual site of disposal 1/

4. Carrier(s) of the waste 1/ or his agent(s)

5. Subject of general or single notification

6. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste

7. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated

8. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable)

9. Information on special handling requirements including emergency provision in case of accidents

10. Type and number of packages

11. Quantity in weight/volume

12. Declaration by the generator or exporter that the information is correct

13. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties.

14. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.

Notes

The information required on the movement document shall where possible be integrated in one document with that required under transport rules. Where this is not possible the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instructions as to who is to provide information and fill out any form.

1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.
Annex VI

ARBITRATION

Article 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

Article 2

The claimant party shall notify the Secretariat that the parties have agreed to submit the dispute to arbitration pursuant to paragraph 2 or paragraph 3 of Article 20 and include, in particular, the Articles of the Convention the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the chairman of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of either party, designate him within a further two months period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

2. Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the parties, recommend essential interim measures of protection.

3. The parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a party in the dispute shall not constitute an impediment to the proceedings.

Article 7

The tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

Article 8

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

Article 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the parties to the dispute.

3. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.
Decision II/12, Second Meeting of the Conference of the Parties to the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal, 1994 (UNEP/CHW.2/30)
I. Introduction

1. The Second Meeting of the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal was held in Geneva from 21 to 25 March 1994.

II. Opening of the Meeting

2. The Meeting was opened at 10 a.m. on 21 March 1994 by Mr. Balbín (Uruguay), President of the First Meeting of the Conference of the Parties.

3. The representative of Switzerland, speaking on behalf of Mr. Ruth Greiffius, Federal Councillor, Head of the Federal Department of the Interior, responsible for environmental affairs in Switzerland, welcomed all participants and expressed the satisfaction of the Swiss Government that the meeting of the Conference of the Contracting Parties was being held in Geneva. He assured the Contracting Parties that Switzerland would continue making a considerable contribution to the implementation of the Basel Convention and to the functioning of the Secretariat, hosted in Geneva by the Government of Switzerland.

4. The opening statement by Ms. E. Dowdswell, Executive Director of the United Nations Environment Programme (UNEP), was read out on her behalf by the Coordinator of the Secretariat of the Basel Convention.

Dr. I. Rumsel-Bulaka. In her statement, Ms. Dowdswell expressed her satisfaction that as of that day 64 States and the European Community (EC) were Parties to the Basel Convention, an increase of 33 Parties since the First Meeting of the Conference of Parties in 1991. That was a clear sign that the Basel Convention was recognized by the countries in the world as a main tool in dealing with the transboundary movements of hazardous wastes and their environmentally sound management and disposal.

Ms. Dowdswell congratulated the two working groups and the Open-ended Ad Hoc Committee on their achievements in the time between the two meetings of the Conference of the Parties. She said that among the most important
Recognising that transboundary movements of hazardous wastes from OECD to non-OECD States run a high risk of not constituting an environmentally sound management of hazardous wastes as required by the Basel Convention,

1. Decides to prohibit immediately all transboundary movements of hazardous wastes which are destined for final disposal from OECD to non-OECD States;

2. Decides also to phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous wastes which are destined for recycling or recovery operations from OECD to non-OECD States;

3. Decides further that any non-OECD State, not possessing a national hazardous waste import ban, which allows the import from OECD States of hazardous wastes for recycling or recovery operations up to 31 December 1997, should inform the Secretariat of the Basel Convention that it would allow the import from an OECD State of hazardous wastes for recycling or recovery operations by specifying the categories of hazardous wastes which are acceptable for import, the quantities to be imported, the specific recycling/recovery process to be used, and the final destination/disposal of the residues which are derived from recycling/recovery operations;

4. Requests the Parties to report regularly to the Secretariat on the implementation of this decision, including details of the transboundary movements of hazardous wastes allowed under paragraph 3 above. Further requests the Secretariat to summarise and compile these reports for consideration by the Open-ended Ad Hoc Committee. After considering these reports, the Open-ended Ad Hoc Committee will submit a report based on the input provided by the Secretariat to the Conference of the Parties to the Convention;

5. Requests further the Parties to cooperate and work actively to ensure the effective implementation of the present decision.

Decision II/11

Technical guidelines for the environmentally sound management of wastes subject to the Basel Convention

The Conference,

Recalling decision I/19 of the First Meeting of the Conference of the Parties to the Basel Convention accepting the Framework Document on the Preparation of Technical Guidelines and the four Technical Guidelines on priority waste streams and extending the mandate of the Technical Working Group to review the three revised Draft Technical Guidelines on Disposal Operations and to prepare Technical Guidelines for other priority operations and waste streams subject to the Basel Convention,

Further recalling the decision I/7 of the Open-ended Ad Hoc Committee on Technical Guidelines for the Environmentally Sound Management of Wastes subject to the Basel Convention recommending that the Conference of the Parties adopt the three Draft Technical Guidelines on Disposal Operations (Specially Engineered Landfill BS, Incineration on Land D10; Used Oil Re-refining or other Re-use of Previously Used Oil B9) and extend the mandate of the Technical Working Group with the aim to continue the preparation of new technical guidelines as identified by the Group itself, namely on:

/...
No. 34028

MULTILATERAL

Convention on environmental impact assessment in a transboundary context (with appendices). Concluded at Espoo (Finland) on 25 February 1991

Authentic texts: English, French and Russian.
Registered ex officio on 10 September 1997.

MULTILATÉRAL

Convention sur l’évaluation de l’impact sur l’environnement dans un contexte transfrontière (avec annexes). Conclue à Espoo (Finlande) le 25 février 1991

Textes authentiques : anglais, français et russe.
Enregistrée d’office le 10 septembre 1997.
CONVENTION ON ENVIRONMENTAL IMPACT ASSESSMENT IN A TRANSBOUNDARY CONTEXT

The Parties to this Convention,

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

Affirming the need to ensure environmentally sound and sustainable development,

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

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

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

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

1 Came into force on 10 September 1997, in accordance with article 18:

<table>
<thead>
<tr>
<th>Participant</th>
<th>Date of deposit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Albania</td>
<td>4 October 1991</td>
</tr>
<tr>
<td>Armenia</td>
<td>21 February 1997</td>
</tr>
<tr>
<td>Austria</td>
<td>27 July 1994</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>12 May 1995</td>
</tr>
<tr>
<td>Croatia</td>
<td>8 July 1996 A</td>
</tr>
<tr>
<td>Denmark</td>
<td>14 March 1997 AA</td>
</tr>
<tr>
<td>Finland</td>
<td>10 August 1995 A</td>
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<tr>
<td>Italy</td>
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<td>29 August 1995</td>
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<td>28 February 1995 A</td>
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<td>Norway</td>
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<td>Poland</td>
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<td>Republic of Moldova</td>
<td>4 January 1994 a</td>
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<tr>
<td>Spain</td>
<td>10 September 1992</td>
</tr>
<tr>
<td>Switzerland</td>
<td>24 January 1992</td>
</tr>
</tbody>
</table>

In addition, and prior to the entry into force of the Convention, the following Organization also deposited an instrument of approval:

24 June 1997

European Community

(With effect from 22 September 1997). With declarations on p. 379 of this volume.


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

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

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Convention,

(i) "Parties" means, unless the text otherwise indicates, the Contracting Parties to this Convention;

(ii) "Party of origin" means the Contracting Party or Parties to this Convention under whose jurisdiction a proposed activity is envisaged to take place;

(iii) "Affected Party" means the Contracting Party or Parties to this Convention likely to be affected by the transboundary impact of a proposed activity;

(iv) "Concerned Parties" means the Party of origin and the affected Party of an environmental impact assessment pursuant to this Convention;

(v) "Proposed activity" means any activity or any major change to an activity subject to a decision of a competent authority in accordance with an applicable national procedure;

(vi) "Environmental impact assessment" means a national procedure for evaluating the likely impact of a proposed activity on the environment;

(vii) "Impact" means any effect caused by a proposed activity on the environment including human health and safety, flora, fauna, soil, air, water, climate, landscape and historical monuments or other physical structures or the interaction among these factors; it also includes effects on cultural heritage or socio-economic conditions resulting from alterations to these factors;

(viii) "Transboundary impact" means any impact, not exclusively of a global nature, within an area under the jurisdiction of a Party caused by a proposed activity the physical origin of which is situated wholly or in part within the area under the jurisdiction of another Party;
IX) "Competent authority" means the national authority or authorities designated by a Party as responsible for performing the tasks covered by this Convention and/or the authority or authorities entrusted by a Party with decision-making powers regarding a proposed activity; 

(x) "The Public" means one or more natural or legal persons.

Article 2

GENERAL PROVISIONS

1. The Parties shall, either individually or jointly, take all appropriate and effective measures to prevent, reduce and control significant adverse transboundary environmental impact from proposed activities.

2. Each Party shall take the necessary legal, administrative or other measures to implement the provisions of this Convention, including, with respect to proposed activities listed in Appendix I that are likely to cause significant adverse transboundary impact, the establishment of an environmental impact assessment procedure that permits public participation and preparation of the environmental impact assessment documentation described in Appendix II.

3. The Party of origin shall ensure that in accordance with the provisions of this Convention an environmental impact assessment is undertaken prior to a decision to authorize or undertake a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact.

4. The Party of origin shall, consistent with the provisions of this Convention, ensure that affected Parties are notified of a proposed activity listed in Appendix I that is likely to cause a significant adverse transboundary impact.

5. Concerned Parties shall, at the initiative of any such Party, enter into discussions on whether one or more proposed activities not listed in Appendix I is or are likely to cause a significant adverse transboundary impact and thus should be treated as if it or they were so listed. Where those Parties so agree, the activity or activities shall be thus treated. General guidance for identifying criteria to determine significant adverse impact is set forth in Appendix III.

6. The Party of origin shall provide, in accordance with the provisions of this Convention, an opportunity to the public in the area likely to be affected to participate in relevant environmental impact assessment procedures regarding proposed activities and shall ensure that the opportunity provided to the public of the affected Party is equivalent to that provided to the public of the Party of origin.

7. Environmental impact assessments as required by this Convention shall, as a minimum requirement, be undertaken at the project level of the proposed activity. To the extent appropriate, the Parties shall endeavour to apply the principles of environmental impact assessment to policies, plans and programmes.

8. The provisions of this Convention shall not affect the right of Parties to implement national laws, regulations, administrative provisions or accepted legal practices protecting information the supply of which would be prejudicial to industrial and commercial secrecy or national security.

9. The provisions of this Convention shall not affect the right of particular Parties to implement, by bilateral or multilateral agreement where appropriate, more stringent measures than those of this Convention.

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

Article 3

NOTIFICATION

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

2. This notification shall contain, inter alia:

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

(b) The nature of the possible decision; and

(c) An indication of a reasonable time within which a response under paragraph 3 of this Article is required, taking into account the nature of the proposed activity, and may include the information set out in paragraph 5 of this Article.

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

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

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

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

(b) Relevant information on the proposed activity and its possible significant adverse transboundary impact.
6. An affected Party shall, at the request of the Party of origin, provide the latter with reasonably obtainable information relating to the potentially affected environment under the jurisdiction of the affected Party, where such information is necessary for the preparation of the environmental impact assessment documentation. The information shall be furnished promptly and, as appropriate, through a joint body where one exists.

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

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

Article 4
PREPARATION OF THE ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTATION

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

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

Article 5
CONSULTATIONS ON THE BASIS OF THE ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTATION

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

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

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

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

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

Article 6
FINAL DECISION

1. The Parties shall ensure that, in the final decision on the proposed activity, due account is taken of the outcome of the environmental impact assessment, including the environmental impact assessment documentation, as well as the comments thereon received pursuant to Article 3, paragraph 8 and Article 4, paragraph 2, and the outcome of the consultations as referred to in Article 5.

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

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

Article 7
POST-PROJECT ANALYSIS

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

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

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

Article 9

RESEARCH PROGRAMMES

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

(a) Improving existing qualitative and quantitative methods for assessing the impacts of proposed activities;

(b) Achieving a better understanding of cause-effect relationships and their role in integrated environmental management;

(c) Analysing and monitoring the efficient implementation of decisions on proposed activities with the intention of minimizing or preventing impacts;

(d) Developing methods to stimulate creative approaches in the search for environmentally sound alternatives to proposed activities, production and consumption patterns;

(e) Developing methodologies for the application of the principles of environmental impact assessment at the macro-economic level.

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

Article 10

STATUS OF THE APPENDICES

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

Article 11

MEETING OF PARTIES

1. The Parties shall meet, so far as possible, in connection with the annual sessions of the Senior Advisers to ECE Governments on Environmental and Water Problems. The first meeting of the Parties shall be convened not later than one year after the date of the entry into force of this Convention. Thereafter, meetings of the Parties shall be held at such other times as may be deemed necessary by a meeting of the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to them by the secretariat, it is supported by at least one third of the Parties.

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

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

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

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

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

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

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

Article 12

RIGHT TO VOTE

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

2. Except as provided for in paragraph 1 of this Article, regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to this Convention. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 13

SECRETARIAT

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

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

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

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

Article 14

AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to this Convention.

2. Proposed amendments shall be submitted in writing to the secretariat, which shall communicate them to all Parties. The proposed amendments shall be
discussed at the next meeting of the Parties, provided these proposals have been circulated by the secretariat to the Parties at least ninety days in advance.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.

4. Amendments to this Convention adopted in accordance with paragraph 3 of this Article shall be submitted by the Depositary to all Parties for ratification, approval or acceptance. They shall enter into force for Parties having ratified, approved or accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of these Parties. Thereafter they shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.

5. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

6. The voting procedure set forth in paragraph 3 of this Article is not intended to constitute a precedent for future agreements negotiated within the Economic Commission for Europe.

Article 15
SETTLEMENT OF DISPUTES

1. If a dispute arises between two or more Parties about the interpretation or application of this Convention, they shall seek a solution by negotiation or by any other method of dispute settlement acceptable to the parties to the dispute.

2. When signing, ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party may declare in writing to the 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 Appendix VII.

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

Article 16
SIGNATURE

This Convention shall be open for signature at Espoo (Finland) from 25 February to 1 March 1991 and thereafter at United Nations Headquarters in New York until 2 September 1991 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 the Economic and Social Council resolution 16 (IV) of 28 March 1947, and by regional economic integration organizations constituted by sovereign States members of the Economic Commission for Europe to which their member States have transferred competence in respect of matters governed by this Convention, including the competence to enter into treaties in respect of these matters.

Article 17
RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. This Convention shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organizations.

2. This Convention shall be open for accession as from 3 September 1991 by the States and organizations referred to in Article 16.

3. The instruments of ratification, acceptance, approval or accession shall be deposited with the Secretary-General of the United Nations, who shall perform the functions of Depositary.

4. Any organization referred to in Article 16 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.

5. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in Article 16 shall declare the extent of their competence with respect to the matters governed by this Convention. These organizations shall also inform the Depositary of any relevant modification to the extent of their competence.

Article 18
ENTRY INTO FORCE

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

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

3. For each State or organization referred to in Article 16 which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the sixteenth instrument of ratification, acceptance, approval or accession, 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 19

WITHDRAWAL

At any time after four years from the date on which this Convention has come into force with respect to a Party, that Party may withdraw from this Convention by giving written notification to the Depositary. Any such withdrawal shall take effect on the ninetieth day after the date of its receipt by the Depositary. Any such withdrawal shall not affect the application of Articles 3 to 6 of this Convention to a proposed activity in respect of which a notification has been made pursuant to Article 3, paragraph 1, or a request has been made pursuant to Article 3, paragraph 7, before such withdrawal took effect.

Article 20

AUTHENTIC TEXTS

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

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have signed this Convention.

DONE at Espoo (Finland), this twenty-fifth day of February one thousand nine hundred and ninety-one.

[For the signatures, see p. 373 of this volume.]

APPENDIX I

LIST OF ACTIVITIES

1. Crude oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.

2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more and nuclear power stations and other nuclear reactors (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).

3. Installations solely designed for the production or enrichment of nuclear fuels, for the reprocessing of irradiated nuclear fuels or for the storage, disposal and processing of radioactive waste.

4. Major installations for the initial smelting of cast-iron and steel and for the production of non-ferrous metals.

5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos, for asbestos-cement products, with an annual production of more than 20,000 tonnes finished product, for friction material, with an annual production of more than 50 tonnes finished product, and for other asbestos utilization of more than 200 tonnes per year.

6. Integrated chemical installations.

7. Construction of motorways, express roads */ and lines for long-distance railway traffic and of airports with a basic runway length of 2,100 metres or more.

8. Large-diameter oil and gas pipelines.

*/ For the purposes of this Convention:

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

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

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

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

- "Express road" means a road reserved for motor traffic accessible only from interchanges or controlled junctions and on which, in particular, stopping and parking are prohibited on the running carriageway(s).
9. Trading ports and also inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tonnes.

10. Waste-disposal installations for the incineration, chemical treatment or landfill of toxic and dangerous wastes.

11. Large dams and reservoirs.

12. Groundwater abstraction activities in cases where the annual volume of water to be abstracted amounts to 10 million cubic metres or more.

13. Pulp and paper manufacturing of 200 air-dried metric tonnes or more per day.

14. Major mining, on-site extraction and processing of metal ores or coal.

15. Offshore hydrocarbon production.

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

17. Deforestation of large areas.

APPENDIX II

CONTENT OF THE ENVIRONMENTAL IMPACT ASSESSMENT DOCUMENTATION

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

(a) A description of the proposed activity and its purpose;

(b) A description, where appropriate, of reasonable alternatives (for example, locational or technological) to the proposed activity and also the no-action alternative;

(c) A description of the environment likely to be significantly affected by the proposed activity and its alternatives;

(d) A description of the potential environmental impact of the proposed activity and its alternatives and an estimation of its significance;

(e) A description of mitigation measures to keep adverse environmental impact to a minimum;

(f) An explicit indication of predictive methods and underlying assumptions as well as the relevant environmental data used;

(g) An identification of gaps in knowledge and uncertainties encountered in compiling the required information;

(h) Where appropriate, an outline for monitoring and management programmes and any plans for post-project analysis; and

(i) A non-technical summary including a visual presentation as appropriate (maps, graphs, etc.).
APPENDIX III

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

1. In considering proposed activities to which Article 2, paragraph 5, applies, the concerned Parties may consider whether the activity is likely to have a significant adverse transboundary impact in particular by virtue of one or more of the following criteria:

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

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

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

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

APPENDIX IV

INQUIRY PROCEDURE

1. The requesting Party or Parties shall notify the secretariat that it or they submit(s) the question of whether a proposed activity listed in Appendix I is likely to have a significant adverse transboundary impact to an inquiry commission established in accordance with the provisions of this Appendix. This notification shall state the subject-matter of the inquiry. The secretariat shall notify immediately all Parties to this Convention of this submission.

2. The inquiry commission shall consist of three members. Both the requesting party and the other party to the inquiry procedure shall appoint a scientific or technical expert, and the two experts so appointed shall designate by common agreement the third expert, who shall be the president of the inquiry commission. The latter shall not be a national of one of the parties to the inquiry procedure, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the matter in any other capacity.

3. If the president of the inquiry commission has not been designated within two months of the appointment of the second expert, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party, designate the president within a further two-month period.

4. If one of the parties to the inquiry procedure does not appoint an expert within one month of its receipt of the notification by the secretariat, the other party may inform the Executive Secretary of the Economic Commission for Europe, who shall designate the president of the inquiry commission within a further two-month period. Upon designation, the president of the inquiry commission shall request the party which has not appointed an expert to do so within one month. After such a period, the president shall inform the Executive Secretary of the Economic Commission for Europe, who shall make this appointment within a further two-month period.

5. The inquiry commission shall adopt its own rules of procedure.

6. The inquiry commission may take all appropriate measures in order to carry out its functions.

7. The parties to the inquiry procedure shall facilitate the work of the inquiry commission and, in particular, using all means at their disposal, shall:

   (a) Provide it with all relevant documents, facilities and information; and

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

8. The parties and the experts shall protect the confidentiality of any information they receive in confidence during the work of the inquiry commission.

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

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

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

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

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

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

APPENDIX V

POST-PROJECT ANALYSIS

Objectives include:

(a) Monitoring compliance with the conditions as set out in the authorization or approval of the activity and the effectiveness of mitigation measures;

(b) Review of an impact for proper management and in order to cope with uncertainties;

(c) Verification of past predictions in order to transfer experience to future activities of the same type.
APPENDIX VI

ELEMENTS FOR BILATERAL AND MULTILATERAL CO-OPERATION

1. Concerned Parties may set up, where appropriate, institutional arrangements or enlarge the mandate of existing institutional arrangements within the framework of bilateral and multilateral agreements in order to give full effect to this Convention.

2. Bilateral and multilateral agreements or other arrangements may include:

(a) Any additional requirements for the implementation of this Convention, taking into account the specific conditions of the subregion concerned;

(b) Institutional, administrative and other arrangements, to be made on a reciprocal and equivalent basis;

(c) Harmonisation of their policies and measures for the protection of the environment in order to attain the greatest possible similarity in standards and methods related to the implementation of environmental impact assessment;

(d) Developing, improving, and/or harmonizing methods for the identification, measurement, prediction and assessment of impacts, and for post-project analysis;

(e) Developing and/or improving methods and programmes for the collection, analysis, storage and timely dissemination of comparable data regarding environmental quality in order to provide input into environmental impact assessment;

(f) The establishment of threshold levels and more specified criteria for defining the significance of transboundary impacts related to the location, nature or size of proposed activities, for which environmental impact assessment in accordance with the provisions of this Convention shall be applied; and the establishment of critical loads of transboundary pollution;

(g) Undertaking, where appropriate, joint environmental impact assessment, development of joint monitoring programmes, intercalibration of monitoring devices and harmonization of methodologies with a view to rendering the data and information obtained compatible.

APPENDIX VII

ARBITRATION

1. The claimant Party or Parties shall notify the secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to Article 15, 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 are at issue. The secretariat shall forward the information received to all Parties to this Convention.

2. The arbitral tribunal shall consist of three members. Both the claimant Party or Parties and the other Party or Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the president of the arbitral tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. If the president of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Executive Secretary of the Economic Commission for Europe shall, at the request of either party to the dispute, designate the president within a further two-month period.

4. If one of the parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other party may inform the Executive Secretary of the Economic Commission for Europe, who shall designate the president of the arbitral tribunal within a further two-month period. Upon designation, the president of the arbitral tribunal shall request the party which has not appointed an arbitrator to do so within two months. After such a period, the president shall inform the Executive Secretary of the Economic Commission for Europe, who shall make this appointment within a further two-month period.

5. The arbitral tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

6. Any arbitral tribunal constituted under the provisions set out herein shall draw up its own rules of procedure.

7. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

8. The tribunal may take all appropriate measures in order to establish the facts.

9. The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, facilities and information; and

(b) Enable it, where necessary, to call witnesses or experts and receive their evidence.
10. The parties and the arbitrators shall protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

11. The arbitral tribunal may, at the request of one of the parties, recommend interim measures of protection.

12. If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to render its final decision. Absence of a party or failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

13. The arbitral tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

14. Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the expenses of the tribunal, including the remuneration of its members, shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the parties.

15. Any Party to this Convention having an interest of a legal nature in the subject-matter of the dispute, and which may be affected by a decision in the case, may intervene in the proceedings with the consent of the tribunal.

16. The arbitral tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time limit for a period which should not exceed five months.

17. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon all parties to the dispute. The award will be transmitted by the arbitral tribunal to the parties to the dispute and to the secretariat. The secretariat will forward the information received to all Parties to this Convention.

18. Any dispute which may arise between the parties concerning the interpretation or execution of the award may be submitted by either party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.
Convention on the Protection and Use of Transboundary Watercourses and International Lakes, 1992
Treaty Series

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No. 33207

MULTILATERAL

Convention on the Protection and Use of Transboundary Watercourses and International Lakes (with annexes).
Done at Helsinki on 17 March 1992

Authentic texts: English, French and Russian.
Registered ex officio on 6 October 1996.

MULTILATÉRAL

Convention sur la protection et l’utilisation des cours d’eau transfrontières et des lacs internationaux (avec annexes).
Conclue à Helsinki le 17 mars 1992

Textes authentiques : anglais, français et russe.
Enregistrée d’office le 6 octobre 1996.
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,

Resolving to take further measures to strengthen and develop the existing cooperation and the United Nations Economic Commission for Europe (ECE) efforts to promote international cooperation in the protection of transboundary watercourses and international lakes,

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, 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 any 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;

1. came into force on 6 October 1996, in accordance with article 26:

Date of deposit of the instrument of ratification, acceptance (A), approval (AA) or accession (a)

Parties

Albania ....................................................... 5 January 1994
Croatia .......................................................... 8 July 1996 a
Estonia .......................................................... 16 June 1995
European Community ...................................... 14 September 1995 AA
Finland .......................................................... 21 February 1996 A
Germany ...................................................... 30 January 1995
(Hungary) ........................................................ 2 September 1994 AA
Italy ............................................................... 23 May 1996
Luxembourg .................................................. 7 June 1994
Netherlands .................................................. 14 March 1995 A
(For the Kingdom in Europe.)
Norway .......................................................... 1 April 1993 AA
Portugal .......................................................... 9 December 1994
Republic of Moldova ...................................... 4 January 1994 a
Romania ........................................................ 31 May 1995
Russian Federation ......................................... 2 November 1993 A
Sweden .......................................................... 5 August 1993
Switzerland ...................................................... 23 May 1995

In addition, and prior to the entry into force of the Convention, the following States deposit an instrument of ratification:

Austria .......................................................... 25 July 1996
(Greece) ........................................................... 6 September 1996
(With effect from 5 December 1996.)
* See p. 355 of this volume for the reservation and statement made upon signature.
** See p. 356 of this volume for the declaration made upon ratification.


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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.

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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 Depositary 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 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 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.
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 Biological Diversity, 1992
Treaty Series

Treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations

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Traités et accords internationaux enregistrés ou classés et inscrits au répertoire au Secrétariat de l’Organisation des Nations Unies

No. 30619

MULTILATERAL

Convention on biological diversity (with annexes). Concluded at Rio de Janeiro on 5 June 1992

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish. Registered ex officio on 29 December 1993.

MULTILATÉRAL

Convenzione sulla diversità biologica (con annexes). Conclusa a Rio de Janeiro il 5 giugno 1992

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.

Date of deposit of the instrument of ratification, accession (A) or acceptance (A)

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</tr>
<tr>
<td>Armenia</td>
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<td>Zambia</td>
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(Continued on page 144)

Footnote 1 continued from page 143

Subsequently, the Convention came into force for the following Contracting Parties on the ninetieth day after the date of deposit with the Secretary-General of the United Nations of their instrument of ratification, acceptance, approval or accession, in accordance with Article 36 (3):

Date of deposit of the instrument of ratification or approval (AA)

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<td>Denmark</td>
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<td>European Community*</td>
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<td>Portugal</td>
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<td>Spain</td>
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<tr>
<td>(With effect from 21 March 1994)</td>
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</tbody>
</table>

* See p. 306 for the texts of the declarations made upon ratification or approval.
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.

"Biototechnology" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

"Country of origin of genetic resources" means the country which possesses those genetic resources in in-situ conditions.

"Country providing genetic resources" means the country supplying genetic resources collected from in-situ sources, including populations of both wild and domesticated species, or taken from ex-situ sources, which may or may not have originated in that country.

"Domesticated or cultivated species" means species in which the evolutionary process has been influenced by humans to meet their needs.

"Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

"Ex-situ conservation" means the conservation of components of biological diversity outside their natural habitats.

"Genetic material" means any material of plant, animal, microbial or other origin containing functional units of heredity.

"Genetic resources" means genetic material of actual or potential value.

"Habitat" means the place or type of site where an organism or population naturally occurs.
"In-situ conditions" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"In-situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"Protected area" means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.

"Regional economic integration organization" means an organization constituted by sovereign States of a given region, to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it.

"Sustainable use" means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

"Technology" includes biotechnology.

Article 3. Principle

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

Article 4. Jurisdictional Scope

Subject to the rights of other States, and except as otherwise expressly provided in this Convention, the provisions of this Convention apply, in relation to each Contracting Party:

(a) In the case of components of biological diversity, in areas within the limits of its national jurisdiction; and

(b) In the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control, within the area of its national jurisdiction or beyond the limits of national jurisdiction.

Article 5. Cooperation

Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organizations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.

Article 6. General Measures for Conservation and Sustainable Use

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

(a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and

(b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Article 7. Identification and Monitoring

Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

(a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;

(b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

(c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and

(d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

Article 8. In-situ Conservation

Each Contracting Party shall, as far as possible and as appropriate:

(a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;

(b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;

(c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use.
(d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;

(e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;

(f) Rehabilitate and restore degraded ecosystems and promote 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 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;

(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 preponderantly for the purpose of complementing in-situ measures:

(a) Adopt measures for the ex-situ conservation of components of biological diversity, preferably in the country of origin of such components;

(b) Establish and maintain facilities for ex-situ conservation of and research on plants, animals and micro-organisms, preferably in the country of origin of genetic resources;

(c) Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions;

(d) Regulate and manage collection of biological resources from natural habitats for ex-situ conservation purposes so as not to threaten ecosystems and in-situ populations of species, except where special temporary ex-situ measures are required under subparagraph (c) above; and

(e) Cooperate in providing financial and other support for ex-situ conservation outlined in subparagraphs (a) to (d) above and in the establishment and maintenance of ex-situ conservation facilities in developing countries.

Article 10. Sustainable Use of Components of Biological Diversity

Each Contracting Party shall, as far as possible and as appropriate:

(a) Integrate consideration of the conservation and sustainable use of biological resources into national decision-making;

(b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;

(c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;

(d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and

(e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

Article 11. Incentive Measures

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

Article 12. Research and Training

The Contracting Parties, taking into account the special needs of developing countries, shall:

(a) Establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components and
provide support for such education and training for the specific needs of developing countries:

(b) Promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, inter alia, in accordance with decisions of the Conference of the Parties taken in consequence of recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice: and

(c) In keeping with the provisions of Articles 18, 19 and 20, promote and cooperate in the use of scientific advances in biological diversity research in developing methods for conservation and sustainable use of biological resources.

**Article 13. Public Education and Awareness**

The Contracting Parties shall:

(a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes; and

(b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

**Article 14. Impact Assessment and Minimizing Adverse Impacts**

1. Each Contracting Party, as far as possible and as appropriate, shall:

(a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures;

(b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are only 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 which caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.

2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.

**Article 15. Access to Genetic Resources**

1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention.

3. For the purpose of this Convention, the genetic resources being provided by a Contracting Party, as referred to in this Article and Articles 16 and 19, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention.

4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article.

5. Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party.

6. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.

7. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

**Article 16. Access to and Transfer of Technology**

1. Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and transfer of technology among Contracting Parties are essential elements for the attainment of the
Article 18. Technical and Scientific Cooperation

1. The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.

2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular developing countries, in implementing this Convention, inter alia, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building.

3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.

5. The Contracting Parties shall also 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 fulfill 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 purposes of this Article, the Conference of the Parties shall at its first meeting establish a list of developed country Parties and other Parties which voluntarily assume the obligations of the developed country Parties. The Conference of the Parties shall periodically review and if necessary amend the list. Contributions from other countries and sources on a voluntary basis would also be encouraged. The implementation of these commitments shall take into account the need for adequacy, predictability and timely flow of funds and the importance of burden-sharing among the contributing Parties included in the list.

3. The developed country Parties may also provide, and developing country Parties avail themselves of, financial resources related to the implementation of this Convention through bilateral, regional and other multilateral channels.

4. The extent to which developing country Parties will effectively implement their commitments under this Convention will depend on the effective implementation by developed country Parties of their commitments under this Convention related to financial resources and transfer of technology, and will take fully into account the fact that economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties.

5. The Parties shall take full account of the specific needs and special situation of least developed countries in their actions with regard to funding and transfer of technology.

6. The Contracting Parties shall also take into consideration the special conditions resulting from the dependence on, distribution and location of biological diversity within developing country Parties, in particular small island States.

7. Consideration shall also be given to the special situation of developing countries, including those that are most environmentally vulnerable, such as those with arid and semi-arid zones, coastal and mountainous areas.

Article 21. Financial Mechanism

1. There shall be a mechanism to the provision of financial resources to developing country Parties for purposes of this Convention on a grant or concessional basis the essential elements of which are described in this Article. The mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties for purposes of this Convention. The operations of the mechanism shall be carried out by such institutional structure as may be decided upon by the Conference of the Parties at its first meeting. For purposes of this Convention, the Conference of the Parties shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such resources. The contributions shall be such as to take into account the need for predictability, adequacy and timely flow of funds referred to in Article 20 in accordance with the amount of resources needed to be decided periodically by the Conference of the Parties and the importance of burden-sharing among the contributing Parties included in the list referred to in Article 20, paragraph 2. Voluntary contributions may also be made by the developed country Parties and by other countries and sources. The mechanism shall operate within a democratic and transparent system of governance.

2. Pursuant to the objectives of this Convention, the Conference of the Parties shall at its first meeting determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for access to and utilization of the financial resources including monitoring and evaluation on a regular basis of such utilization. Based on the Conference of the Parties shall submit to the institutional structure entrusted with the operation of the financial mechanism the arrangements to give effect to paragraph 1 above after consultation with the Conference of the Parties.

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.

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.

1. The Conference of the Parties shall keep under review the implementation of the 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 nongovernmental, 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:
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(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, methodological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions, terms of reference, organization and operation of this body may be further elaborated by the Conference of the Parties.

Article 26. Reports

Each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.

Article 27. Settlement of Disputes

1. In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 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 name of any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II, unless the parties otherwise agree.

5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

Article 28. Adoption of Protocols

1. The Contracting Parties shall cooperate in the formulation and adoption of protocols to this Convention.

2. Protocols shall be adopted at a meeting of the Conference of the Parties.

3. The text of any proposed protocol shall be communicated to the Contracting Parties by the Secretariat at least six months before such a meeting.

Article 29. Amendment of the Convention or Protocols

1. Amendments to this Convention may be proposed by any Contracting Party. Amendments to any protocol may be proposed by any Party to that protocol.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to this Convention for information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention or to any protocol by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendment shall as a last resort be adopted by a two-thirds 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.
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


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 member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

3. In their instruments of ratification, acceptance or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

Article 35. Accession

1. This Convention and any protocol shall be open for accession by States and by regional economic integration organizations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depositary.

2. In their instruments of accession, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol.
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.

[For the signatures, see p. 254 of this volume.]
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 I

ARBITRATION

Article 1

The claimant party shall notify the secretariat that the parties are referring a dispute to arbitration pursuant to Article 27. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. If the parties do not agree on the subject-matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter. The secretariat shall forward the information thus received to all Contracting Parties to this Convention or to the protocol concerned.

Article 2

1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 3

1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General who shall make the designation within a further two-month period.

Article 4

The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention, any protocols concerned, and international law.
Article 5

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

Article 6

The arbitral tribunal may, at the request of one of the parties, recommend essential interim measures of protection.

Article 7

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, use 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 specific 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 failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal shall 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.
Cartagena Protocol on Biosafety to the Convention on Biological Diversity, 2000
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New York, 2005

No. 30619. Multilateral
CONVENTION ON BIOLOGICAL DIVERSITY. RIO DE JANEIRO, 5 JUNE 1992

CARTAGENA PROTOCOL ON BIOSAFETY TO THE CONVENTION ON BIOLOGICAL DIVERSITY. MONTREAL, 29 JANUARY 2000

Entry into force: 11 September 2003, in accordance with article 37 (2) (see following page)

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish

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CONVENTION SUR LA DIVERSITÉ BIOLOGIQUE. RIO DE JANEIRO, 5 JUIN 1992

PROTOCOLE DE CARTAGENA SUR LA PRÉVENTION DES RISQUES BIOTECHNOLOGIQUES RELATIF À LA CONVENTION SUR LA DIVERSITÉ BIOLOGIQUE. MONTRÉAL, 29 JANVIER 2000

Entrée en vigueur: 11 septembre 2003, conformément au paragraphe 2 de l'article 37 (voir la page suivante)

Textes authentiques: arabe, chinois, anglais, français, russe et espagnol


CARTAGENA PROTOCOL ON BIOSAFETY TO THE CONVENTION ON BIOLOGICAL DIVERSITY

The Parties to this Protocol,

Being Parties to the Convention on Biological Diversity, hereinafter referred to as "the Convention",

Recalling Article 19, paragraphs 3 and 4, and Articles 8 (g) and 17 of the Convention,

Recalling also decision II/5 of 17 November 1995 of the Conference of the Parties to the Convention to develop a Protocol on biosafety, specifically focusing on transboundary movement of any living modified organism resulting from modern biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity, setting out for consideration, in particular, appropriate procedures for advance informed agreement,

Rc reaffirming the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development,

Aware of the rapid expansion of modern biotechnology and the growing public concern over its potential adverse effects on biological diversity, taking also into account risks to human health,

Recognizing that modern biotechnology has great potential for human well-being if developed and used with adequate safety measures for the environment and human health,

Recognizing also the crucial importance to humankind of centres of origin and centres of genetic diversity,

Taking into account the limited capabilities of many countries, particularly developing countries, to cope with the nature and scale of known and potential risks associated with living modified organisms,

Recognizing that trade and environment agreements should be mutually supportive with a view to achieving sustainable development,

Emphasizing that this Protocol shall not be interpreted as implying a change in the rights and obligations of a Party under any existing international agreements,

Understanding that the above recital is not intended to subordinate this Protocol to other international agreements,

Have agreed as follows:

Article 1. Objective

In accordance with the precautionary approach contained in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Protocol is to contribute to ensuring an adequate level of protection in the field of the safe transfer, handling and use of living modified organisms resulting from modern biotechnology that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, and specifically focusing on transboundary movements.

Article 2. General provisions

1. Each Party shall take necessary and appropriate legal, administrative and other measures to implement its obligations under this Protocol.

2. The Parties shall ensure that the development, handling, transport use, transfer and re-use or any living modified organisms are undertaken in a manner that prevents or reduces the risks to biological diversity, taking also into account risks to human health.

3. Nothing in this Protocol shall affect in any way the sovereignty of States over their territorial sea established in accordance with international law, and the sovereignty rights and the jurisdiction which States have in their exclusive economic zones and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

4. Nothing in this Protocol shall be interpreted as restricting the right of a Party to take action that is more protective of the conservation and sustainable use of biological diversity than that called for in this Protocol, provided that such action is consistent with the objective and the provisions of this Protocol and is in accordance with that Party’s other obligations under international law.

5. The Parties are encouraged to take into account, as appropriate, available expertise, instruments and work undertaken in international forums with competence in the area of risks to human health.

Article 3. Use of terms

For the purposes of this Protocol:

(a) "Conference of the Parties" means the Conference of the Parties to the Convention;

(b) "Contained use" means any operation, undertaken within a facility, installation or other physical structure, which involves living modified organisms that are controlled by specific measures that effectively limit their contact with, and their impact on, the external environment;

(c) "Export" means intentional transboundary movement from one Party to another Party;

(d) "Exporter" means any legal or natural person, under the jurisdiction of the Party of export, who arranges for a living modified organism to be exported;

(e) "Import" means intentional transboundary movement into one Party from another Party;

(f) "Importer" means any legal or natural person, under the jurisdiction of the Party of import, who arranges for a living modified organism to be imported;

(g) "Living modified organism" means any living organism that possesses a novel combination of genetic material obtained through the use of modern biotechnology;
(h) "Living organism" means any biological entity capable of transferring or replicating genetic material, including sterile organisms, viruses and viroids;

(i) "Modern biotechnology" means the application of:
   a. In vitro nucleic acid techniques, including recombinant deoxyribonucleic acid (DNA) and direct injection of nucleic acid into cells or organelles, or
   b. Fusion of cells beyond the taxonomic family,
      that overcome natural physiological reproductive or recombination barriers and that are not techniques used in traditional breeding and selection;

(j) "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 Protocol and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to it;

(k) "Transboundary movement" means the movement of a living modified organism from one Party to another Party, save that for the purposes of Articles 17 and 24 transboundary movement extends to movement between Parties and non-Parties.

Article 4. Scope

This Protocol shall apply to the transboundary movement, transit, handling and use of all living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health.

Article 5. Pharmaceuticals

Notwithstanding Article 4 and without prejudice to any right of a Party to subject all living modified organisms to risk assessment prior to the making of decisions on import, this Protocol shall not apply to the transboundary movement of living modified organisms which are pharmaceuticals for humans that are addressed by other relevant international agreements or organisations.

Article 6. Transit and contained use

1. Notwithstanding Article 4 and without prejudice to any right of a Party of transit to regulate the transport of living modified organisms through its territory and made available to the Biosafety Clearing-House, any decision of that Party, subject to Article 2, paragraph 3, regarding the transit through its territory of a specific living modified organism, the provisions of this Protocol with respect to the advance informed agreement procedure shall not apply to living modified organisms in transit.

2. Notwithstanding Article 4 and without prejudice to any right of a Party to subject all living modified organisms to risk assessment prior to decisions on import and to set standards for contained use within its jurisdiction, the provisions of this Protocol with respect to the advance informed agreement procedure shall not apply to the transboundary movement of living modified organisms destined for contained use undertaken in accordance with the standards of the Party of import.

Article 7. Application of the advance informed agreement procedure

1. Subject to Articles 5 and 6, the advance informed agreement procedure in Articles 8 to 10 and 12 shall apply prior to the first intentional transboundary movement of living modified organisms for intentional introduction into the environment of the Party of import.

2. "Intentional introduction into the environment" in paragraph 1 above, does not refer to living modified organisms intended for direct use as food or feed, or for processing.

3. Article 11 shall apply prior to the first transboundary movement of living modified organisms intended for direct use as food or feed, or for processing.

4. The advance informed agreement procedure shall not apply to the intentional transboundary movement of living modified organisms identified in a decision of the Conference of the Parties serving as the meeting of the Parties to this Protocol as being not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health.

Article 8. Notification

1. The Party of export shall notify, or require the exporter to ensure notification to, in writing, the competent national authority of the Party of import prior to the intentional transboundary movement of a living modified organism that falls within the scope of Article 7, paragraph 1.

   The notification shall contain, at a minimum, the information specified in Annex I.

2. The Party of import shall ensure that there is a legal requirement for the accuracy of information provided by the exporter.

Article 9. Acknowledgement of receipt of notification

1. The Party of import shall acknowledge receipt of the notification, in writing, to the notifier within ninety days of its receipt.

2. The acknowledgement shall state:
   (a) The date of receipt of the notification;
   (b) Whether the notification, prima facie, contains the information referred to in Article 8;
   (c) Whether to proceed according to the domestic regulatory framework of the Party of import or according to the procedure specified in Article 10.

3. The domestic regulatory framework referred to in paragraph 2 (c) above, shall be consistent with this Protocol.

4. A failure by the Party of import to acknowledge receipt of a notification shall not imply its consent to an intentional transboundary movement.
Article 10. Decision procedure

1. Decisions taken by the Party of import shall be in accordance with Article 15.

2. The Party of import shall, within the period of time referred to in Article 9, inform the notifier, in writing, whether the intentional transboundary movement may proceed:
   (a) Only after the Party of import has given its written consent; or
   (b) After no less than ninety days without a subsequent written consent.

3. Within two hundred and seventy days of the date of receipt of notification, the Party of import shall communicate, in writing, to the notifier and to the Biosafety Clearing-House the decision referred to in paragraph 2 (a) above:
   (a) Approving the import, with or without conditions, including how the decision will apply to subsequent imports of the same living modified organism;
   (b) Prohibiting the import;
   (c) Requesting additional relevant information in accordance with its domestic regulatory framework or Annex I; in calculating the time within which the Party of import is to respond, the number of days it has to wait for additional relevant information shall not be taken into account; or
   (d) Informing the notifier that the period specified in this paragraph is extended by a defined period of time.

4. Except in a case in which consent is unconditional, a decision under paragraph 3 above, shall set out the reasons on which it is based.

5. A failure by the Party of import to communicate its decision within two hundred and seventy days of the date of receipt of the notification shall not imply its consent to an intentional transboundary movement.

6. Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of a living modified organism on the conservation and sustainable use of biological diversity in the Party of import, taking also into account risks to human health, shall not prevent that Party from taking a decision, as appropriate, with regard to the import of the living modified organism in question as referred to in paragraph 3 above, in order to avoid or minimize such potential adverse effects.

7. The Conference of the Parties serving as the meeting of the Parties shall, at its first meeting, decide upon appropriate procedures and mechanisms to facilitate decision-making by Parties of import.

Article 11. Procedure for living modified organisms intended for direct use as food or feed, or for processing

1. A Party that makes a final decision regarding domestic use, including placing on the market, of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing shall, within fifteen days of making that decision, inform the Parties through the Biosafety Clearing-House. This information shall con-
tential transboundary movement. In such case, the Party shall, within thirty days, inform any notifier that has previously notified movements of the living modified organism referred to in such decision, as well as the Biosafety Clearing-House, and shall set out the reasons for its decision.

2. A Party of export or a notifier may request the Party of import to review a decision it has made in respect of it under Article 10 where the Party of export or the notifier considers that:
   (a) A change in circumstances has occurred that may influence the outcome of the risk assessment upon which the decision was based; or
   (b) Additional relevant scientific or technical information has become available.

3. The Party of import shall respond in writing to such a request within ninety days and set out the reasons for its decision.

4. The Party of import may, at its discretion, require a risk assessment for subsequent imports.

**Article 13. Simplified procedure**

1. A Party of import may, provided that adequate measures are applied to ensure the safe intentional transboundary movement of living modified organisms in accordance with the objective of this Protocol, specify in advance to the Biosafety Clearing-House:
   (a) Cases in which intentional transboundary movement to it may take place at the same time as the movement is notified to the Party of import; and
   (b) Imports of living modified organisms to it to be exempted from the advance informed agreement procedure.

   Notifications under subparagraph (a) above, may apply to subsequent similar movements to the same Party.

2. The information relating to an intentional transboundary movement that is to be provided in the notifications referred to in paragraph 1 (a) above, shall be the information specified in Annex I.

**Article 14. Bilateral, regional and multilateral agreements and arrangements**

1. Parties may enter into bilateral, regional and multilateral agreements and arrangements regarding intentional transboundary movements of living modified organisms, consistent with the objective of this Protocol and provided that such agreements and arrangements do not result in a lower level of protection than that provided for by the Protocol.

2. The Parties shall inform each other, through the Biosafety Clearing-House, of any such bilateral, regional and multilateral agreements and arrangements that they have entered into before or after the date of entry into force of this Protocol.

3. The provisions of this Protocol shall not affect intentional transboundary movements that take place pursuant to such agreements and arrangements as between the parties to those agreements or arrangements.

4. Any Party may determine that its domestic regulations shall apply with respect to specific imports to it and shall notify the Biosafety Clearing-House of its decision.

**Article 15. Risk assessment**

1. Risk assessments undertaken pursuant to this Protocol shall be carried out in a scientifically sound manner, in accordance with Annex III and taking into account recognized risk assessment techniques. Such risk assessments shall be based, at a minimum, on information provided in accordance with Article 8 and other available scientific evidence in order to identify and evaluate the possible adverse effects of living modified organisms on the conservation and sustainable use of biological diversity, taking also into account risks to human health.

2. The Party of import shall ensure that risk assessments are carried out for decisions taken under Article 10. It may require the exporter to carry out the risk assessment.

3. The cost of risk assessment shall be borne by the notifier if the Party of import so requires.

**Article 16. Risk management**

1. The Parties shall, taking into account Article 8 (g) of the Convention, establish and maintain appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of this Protocol associated with the use, handling and transboundary movement of living modified organisms.

2. Measures based on risk assessment shall be imposed to the extent necessary to prevent adverse effects of the living modified organism on the conservation and sustainable use of biological diversity, taking also into account risks to human health, within the territory of the Party of import.

3. Each Party shall take appropriate measures to prevent unintentional transboundary movements of living modified organisms, including such measures as requiring a risk assessment to be carried out prior to the first release of a living modified organism.

4. Without prejudice to paragraph 2 above, each Party shall endeavour to ensure that any living modified organism, whether imported or locally developed, has undergone an appropriate period of observation that is commensurate with its life-cycle or generation time before it is put to its intended use.

5. Parties shall cooperate with a view to:
   (a) Identifying living modified organisms or specific traits of living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health; and
   (b) Taking appropriate measures regarding the treatment of such living modified organisms or specific traits.
Article 17. Unintentional transboundary movements and emergency measures

1. Each Party shall take appropriate measures to notify affected or potentially affected States, the Biosafety Clearing-House and, where appropriate, relevant international organizations, when it knows of an occurrence under its jurisdiction resulting in a release that leads, or may lead, to an unintentional transboundary movement of a living modified organism that is likely to have significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health in such States. The notification shall be provided as soon as the Party knows of the above situation.

2. Each Party shall, no later than the date of entry into force of this Protocol for it, make available to the Biosafety Clearing-House the relevant details setting out its point of contact for the purposes of receiving notifications under this Article.

3. Any notification arising from paragraph 1 above, should include:
   (a) Available relevant information on the estimated quantities and relevant characteristics and/or traits of the living modified organism;
   (b) Information on the circumstances and estimated date of the release, and on the use of the living modified organism in the originating Party;
   (c) Any available information about the possible adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, as well as available information on possible risk management measures;
   (d) Any other relevant information; and
   (e) A point of contact for further information.

4. In order to minimize any significant adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, each Party, under whose jurisdiction the release of the living modified organism referred to in paragraph 1 above, occurs, shall immediately consult the affected or potentially affected States to enable them to determine appropriate responses and initiate necessary action, including emergency measures.

Article 18. Handling, transport, packaging and identification

1. In order to avoid adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, each Party shall take necessary measures to require that living modified organisms that are subject to intentional transboundary movement within the scope of this Protocol are handled, packaged and transported under conditions of safety, taking into consideration relevant international rules and standards.

2. Each Party shall take measures to require that documentation accompanying:
   (a) Living modified organisms that are intended for direct use as food or feed, or for processing, clearly identifies that they "may contain" living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for further information.

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall take a decision on the detailed requirements for this purpose, including specification of their identity and any unique identification, no later than two years after the date of entry into force of this Protocol;

(b) Living modified organisms that are destined for contained use clearly identifies them as living modified organisms; and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the living modified organisms are consigned; and

(c) Living modified organisms that are intended for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol, clearly identifies them as living modified organisms; specifies the identity and relevant traits in/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the exporter.

3. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall consider the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, in consultation with other relevant international bodies.

Article 19. Competent national authorities and national focal points

1. Each Party shall designate one national focal point to be responsible on its behalf for liaison with the Secretariat. Each Party shall also designate one or more competent national authorities, which shall be responsible for performing the administrative functions required by this Protocol and which shall be authorized to act on its behalf with respect to those functions. A Party may designate a single entity to fulfil the functions of both focal point and competent national authority.

2. Each Party shall, no later than the date of entry into force of this Protocol for it, notify the Secretariat of the names and addresses of its focal point and its competent national authority or authorities. Where a Party designates more than one competent national authority, it shall convey to the Secretariat, with its notification thereof, relevant information or the respective responsibilities of those authorities. Where applicable, such information shall, at a minimum, specify which competent authority is responsible for which type of living modified organism.

Each Party shall forthwith notify the Secretariat of any changes in the designation of its national focal point or in the name and address or responsibilities of its competent national authority or authorities.

3. The Secretariat shall forthwith inform the Parties of the notifications it receives under paragraph 2 above, and shall also make such information available through the Biosafety Clearing-House.
Article 20. Information sharing and the biosafety clearing-house

1. A Biosafety Clearing-House is hereby established as part of the clearing-house mechanism under Article 18, paragraph 3, of the Convention, in order to:

(a) Facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and

(b) Assist Parties to implement the Protocol, taking into account the special needs of developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition as well as countries that are centres of origin and centres of genetic diversity.

2. The Biosafety Clearing-House shall serve as a means through which information is made available for the purposes of paragraph 1 above. It shall provide access to information made available by the Parties relevant to the implementation of the Protocol. It shall also provide access, where possible, to other international biosafety information exchange mechanisms.

3. Without prejudice to the protection of confidential information, each Party shall make available to the Biosafety Clearing-House any information required to be made available to the Biosafety Clearing-House under this Protocol, and:

(a) Any existing laws, regulations and guidelines for implementation of the Protocol, as well as information required by the Parties for the advance informed agreement procedure;

(b) Any bilateral, regional and multilateral agreements and arrangements;

(c) Summaries of its risk assessments or environmental reviews of living modified organisms generated by its regulatory process, and carried out in accordance with Article 15, including, where appropriate, relevant information regarding products thereof, namely, processed materials that are of living modified organism origin, containing detectable novel combinations of replicable genetic material obtained through the use of modern biotechnology;

(d) Its final decisions regarding the importation or release of living modified organisms; and

(e) Reports submitted by it pursuant to Article 33, including those on implementation of the advance informed agreement procedure.

4. The modalities of the operation of the Biosafety Clearing-House, including reports on its activities, shall be considered and decided upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first meeting, and kept under review thereafter.

Article 21. Confidential information

1. The Party of import shall permit the notifier to identify information submitted under the procedures of this Protocol or required by the Party of import as part of the advance informed agreement procedure of the Protocol that is to be treated as confidential. Justification shall be given in such cases upon request.

2. The Party of import shall consult the notifier if it decides that information identified by the notifier as confidential does not qualify for such treatment and shall, prior to any disclosure, inform the notifier of its decision, providing reasons on request, as well as an opportunity for consultation and for an internal review of the decision prior to disclosure.

3. Each Party shall protect confidential information received under this Protocol, including any confidential information received in the context of the advance informed agreement procedure of the Protocol. Each Party shall ensure that it has procedures to protect such information and shall protect the confidentiality of such information in a manner no less favourable than its treatment of confidential information in connection with domestically produced living modified organisms.

4. The Party of import shall not use such information for a commercial purpose, except with the written consent of the notifier.

5. If a notifier withdraws or has withdrawn a notification, the Party of import shall respect the confidentiality of commercial and industrial information, including research and development information as well as information on which the Party and the notifier disagree as to its confidentiality.

6. Without prejudice to paragraph 5 above, the following information shall not be considered confidential:

(a) The name and address of the notifier;

(b) A general description of the living modified organism or organisms;

(c) A summary of the risk assessment of the effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health; and

(d) Any methods and plans for emergency response.

Article 22. Capacity-building

1. The Parties shall cooperate in the development and/or strengthening of human resources and institutional capacities in biosafety, including biotechnology to the extent that it is required for biosafety, for the purpose of the effective implementation of this Protocol, in developing country Parties, in particular the least developed and small island developing States among them, and in Parties with economies in transition, including through existing global, regional, subregional and national institutions and organizations and, as appropriate, through facilitating private sector involvement.

2. For the purposes of implementing paragraph 1 above, in relation to cooperation, the needs of developing country Parties, in particular the least developed and small island developing States among them, for financial resources and access to and transfer of technology and know-how in accordance with the relevant provisions of the Convention, shall be taken fully into account for capacity-building in biosafety. Cooperation in capacity-building shall, subject to the different situation, capabilities and requirements of each Party, include scientific and technical training in the proper and safe management of biotechnology, and in the use of risk assessment and risk management for biosafety, and the enhancement of technological and institutional capacities in biosafety. The needs of Parties with econo-
Article 23. Public awareness and participation

1. The Parties shall:
   (a) Promote and facilitate public awareness, education and participation concerning the safe transfer, handling and use of living modified organisms in relation to the conservation and sustainable use of biological diversity, taking also into account risks to human health. In doing so, the Parties shall cooperate, as appropriate, with other States and international bodies;
   (b) Endeavour to ensure that public awareness and education encompass access to information on living modified organisms identified in accordance with this Protocol that may be imported.

2. The Parties shall, in accordance with their respective laws and regulations, consult the public in the decision-making process regarding living modified organisms and shall make the results of such decisions available to the public, while respecting confidential information in accordance with Article 21.

3. Each Party shall endeavour to inform its public about the means of public access to the Biosafety Clearing-House.

Article 24. Non-parties

1. Transboundary movements of living modified organisms between Parties and non-Parties shall be consistent with the objective of this Protocol. The Parties may enter into bilateral, regional and multilateral agreements and arrangements with non-Parties regarding such transboundary movements.

2. The Parties shall encourage non-Parties to adhere to this Protocol and to contribute appropriate information to the Biosafety Clearing-House on living modified organisms released in, or moved into or out of, areas within their national jurisdictions.

Article 25. Illegal transboundary movements

1. Each Party shall adopt appropriate domestic measures aimed at preventing and, if appropriate, penalizing transboundary movements of living modified organisms carried out in contravention of its domestic measures to implement this Protocol. Such movements shall be deemed illegal transboundary movements.

2. In the case of an illegal transboundary movement, the affected Party may request the Party of origin to dispose, at its own expense, of the living modified organism in question by repatriation or destruction, as appropriate.

3. Each Party shall make available to the Biosafety Clearing-House information concerning cases of illegal transboundary movements pertaining to it.

Article 26. Socio-economic considerations

1. The Parties, in reaching a decision on import under this Protocol or under its domestic measures implementing the Protocol, may take into account, consistent with their international obligations, socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities.

2. The Parties are encouraged to cooperate on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities.

Article 27. Liability and redress

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first meeting, adopt a process with respect to the appropriate elaboration of international rules and procedures in the field of liability and redress for damage resulting from transboundary movements of living modified organisms, analysing and taking due account of the ongoing processes in international law on these matters, and shall endeavour to complete this process within four years.

Article 28. Financial mechanism and resources

1. In considering financial resources for the implementation of this Protocol, the Parties shall take into account the provisions of Article 20 of the Convention.

2. The financial mechanism established in Article 21 of the Convention shall, through the institutional structure entrusted with its operation, be the financial mechanism for this Protocol.

3. Regarding the capacity-building referred to in Article 22 of this Protocol, the Conference of the Parties serving as the meeting of the Parties to this Protocol, in providing guidance with respect to the financial mechanism referred to in paragraph 2 above, for consideration by the Conference of the Parties, shall take into account the need for financial resources by developing country Parties, in particular the least developed and the small island developing States among them.

4. In the context of paragraph 1 above, the Parties shall also take into account the needs of the developing country Parties, in particular the least developed and the small island developing States among them, and of the Parties with economies in transition, in their efforts to identify and implement their capacity-building requirements for the purposes of the implementation of this Protocol.

5. The guidance to the financial mechanism of the Convention in relevant decisions of the Conference of the Parties, including those agreed before the adoption of this Protocol, shall apply, mutatis mutandis, to the provisions of this Article.

6. The developing country Parties may also provide, and the developing country Parties and the Parties with economies in transition avail themselves of, financial and technologi—
Subsequent ordinary meetings of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

7. Extraordinary meetings of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held at such other times as may be deemed necessary by the Conference of the Parties serving as the meeting of the Parties to this Protocol, 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.

8. 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 as observers at meetings of the Conference of the Parties serving as the meeting of the Parties to this Protocol. Any body or agency, whether national or international, governmental or non-governmental, that is qualified in matters covered by this Protocol and that has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties serving as the meeting of the Parties to this Protocol as an observer, may be so admitted, unless at least one third of the Parties present object. Except as otherwise provided in this Article, the admission and participation of observers shall be subject to the rules of procedure, as referred to in paragraph 5 above.

**Article 30. Subsidiary bodies**

1. Any subsidiary body established by or under the Convention may, upon a decision by the Conference of the Parties serving as the meeting of the Parties to this Protocol, serve the Protocol, in which case the meeting of the Parties shall specify which functions that body shall exercise.

2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any meeting of any such subsidiary bodies. When a subsidiary body of the Convention serves as a subsidiary body to this Protocol, decisions under the Protocol shall be taken only by the Parties to the Protocol.

3. When a subsidiary body of the Convention exercises its functions with regard to matters concerning this Protocol, any member of the bureau of that subsidiary body representing a Party to the Convention but, at that time, not a Party to the Protocol, shall be substituted by a member to be elected by and from among the Parties to the Protocol.

**Article 31. Secretariat**

1. The Secretariat established by Article 24 of the Convention shall serve as the secretariat to this Protocol.

2. Article 24, paragraph 1, of the Convention on the functions of the Secretariat shall apply, mutatis mutandis, to this Protocol.

3. To the extent that they are distinct, the costs of the secretariat services for this Protocol shall be met by the Parties hereto. The Conference of the Parties serving as the meet-
ing of the Parties to this Protocol shall, at its first meeting, decide on the necessary budgetary arrangements to this end.

*Article 32. Relationship with the convention*

Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol.

*Article 33. Monitoring and reporting*

Each Party shall monitor the implementation of its obligations under this Protocol, and shall, at intervals to be determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol, report to the Conference of the Parties serving as the meeting of the Parties to this Protocol on measures that it has taken to implement the Protocol.

*Article 34. Compliance*

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first meeting, consider and approve cooperative procedures and institutional mechanisms to promote compliance with the provisions of this Protocol and to address cases of non-compliance.

These procedures and mechanisms shall include provisions to offer advice or assistance, where appropriate. They shall be separate from, and without prejudice to, the dispute settlement procedures and mechanisms established by Article 27 of the Convention.

*Article 35. Assessment and review*

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall undertake, five years after the entry into force of this Protocol and at least every five years thereafter, an evaluation of the effectiveness of the Protocol, including an assessment of its procedures and annexes.

*Article 36. Signature*


*Article 37. Entry into force*

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession by States or regional economic integration organizations that are Parties to the Convention.

2. This Protocol shall enter into force for a State or regional economic integration organization that ratifies, accepts or accedes thereto after its entry into force pursuant to paragraph 1 above, on the ninetieth day after the date on which that State or regional economic integration organization deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that State or regional economic integration organization, whichever shall be the later.

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 member States of such organization.

*Article 38. Reservations*

No reservations may be made to this Protocol.

*Article 39. Withdrawal*

1. At any time after two years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from the Protocol by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

*Article 40. Authentic texts*

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

In witness whereof the undersigned, being duly authorized to that effect, have signed this Protocol.

Done at Montreal on this twenty-ninth day of January, two thousand.
ANNEX I

INFORMATION REQUIRED IN NOTIFICATIONS UNDER ARTICLES 8, 10 AND 13

(a) Name, address and contact details of the exporter.
(b) Name, address and contact details of the importer.
(c) Name and identity of the living modified organism, as well as the domestic classification, if any, of the biosafety level of the living modified organism in the State of export.
(d) Intended date or dates of the transboundary movement, if known.
(e) Taxonomic status, common name, point of collection or acquisition, and characteristics of recipient organism or parental organisms related to biosafety.
(f) Centres of origin and centres of genetic diversity, if known, of the recipient organism and/or the parental organisms and a description of the habitats where the organisms may persist or proliferate.
(g) Taxonomic status, common name, point of collection or acquisition, and characteristics of the donor organism or organisms related to biosafety.
(h) Description of the nucleic acid or the modification introduced, the technique used, and the resulting characteristics of the living modified organism.
(i) Intended use of the living modified organism or products thereof, namely, processed materials that are of living modified organism origin, containing detectable novel combinations of replicable genetic material obtained through the use of modern biotechnology.
(j) Quantity or volume of the living modified organism to be transferred.
(k) A previous and existing risk assessment report consistent with Annex III.
(l) Suggested methods for the safe handling, storage, transport and use, including packaging, labelling, documentation, disposal and contingency procedures, where appropriate.
(m) Regulatory status of the living modified organism within the State of export (for example, whether it is prohibited in the State of export, whether there are other restrictions, or whether it has been approved for general release) and, if the living modified organism is banned in the State of export, the reason or reasons for the ban.
(n) Result and purpose of any notification by the exporter to other States regarding the living modified organism to be transferred.
(o) A declaration that the above-mentioned information is factually correct.

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ANNEX II

INFORMATION REQUIRED CONCERNING LIVING MODIFIED ORGANISMS INTENDED FOR DIRECT USE AS FOOD OR FEED, OR FOR PROCESSING UNDER ARTICLE 11

(a) The name and contact details of the applicant for a decision for domestic use.
(b) The name and contact details of the authority responsible for the decision.
(c) Name and identity of the living modified organism.
(d) Description of the gene modification, the technique used, and the resulting characteristics of the living modified organism.
(e) Any unique identification of the living modified organism.
(f) Taxonomic status, common name, point of collection or acquisition, and characteristics of recipient organism or parental organisms related to biosafety.
(g) Centres of origin and centres of genetic diversity, if known, of the recipient organism and/or the parental organisms and a description of the habitats where the organisms may persist or proliferate.
(h) Taxonomic status, common name, point of collection or acquisition, and characteristics of the donor organism or organisms related to biosafety.
(i) Approved uses of the living modified organism.
(j) A risk assessment report consistent with Annex III.
(k) Suggested methods for the safe handling, storage, transport and use, including packaging, labelling, documentation, disposal and contingency procedures, where appropriate.
ANNEX III

RISK ASSESSMENT

Objective

1. The objective of risk assessment, under this Protocol, is to identify and evaluate the potential adverse effects of living modified organisms on the conservation and sustainable use of biological diversity in the likely potential receiving environment, taking also into account risks to human health.

Use of risk assessment

2. Risk assessment is, inter alia, used by competent authorities to make informed decisions regarding living modified organisms.

General principles

3. Risk assessment should be carried out in a scientifically sound and transparent manner, and can take into account expert advice of, and guidelines developed by, relevant international organizations.

4. Lack of scientific knowledge or scientific consensus should not necessarily be interpreted as indicating a particular level of risk, an absence of risk, or an acceptable risk.

5. Risks associated with living modified organisms or products thereof, namely, processed materials that are of living modified organism origin, containing detectable novel combinations of replicative genetic material obtained through the use of modern biotechnology, should be considered in the context of the risks posed by the non-modified recipients or parental organisms in the likely potential receiving environment.

6. Risk assessment should be carried out on a case-by-case basis. The required information may vary in nature and level of detail from case to case, depending on the living modified organism concerned, its intended use and the likely potential receiving environment.

Methodology

7. The process of risk assessment may on the one hand give rise to a need for further information about specific subjects, which may be identified and requested during the assessment process, while on the other hand information on other subjects may not be relevant in some instances.

8. To fulfil its objective, risk assessment entails, as appropriate, the following steps:

(a) An identification of any novel genotypic and phenotypic characteristics associated with the living modified organism that may have adverse effects on biological diversity in the likely potential receiving environment, taking also into account risks to human health;

(b) An evaluation of the likelihood of these adverse effects being realized, taking into account the level and kind of exposure of the likely potential receiving environment to the living modified organism;

(c) An evaluation of the consequences should these adverse effects be realized;

(d) An estimation of the overall risk posed by the living modified organism based on the evaluation of the likelihood and consequences of the identified adverse effects being realized;

(e) A recommendation as to whether or not the risks are acceptable or manageable, including, where necessary, identification of strategies to manage these risks; and

(f) Where there is uncertainty regarding the level of risk, it may be addressed by requesting further information on the specific issues of concern or by implementing appropriate risk management strategies and/or monitoring the living modified organism in the receiving environment.

Points to consider

9. Depending on the case, risk assessment takes into account the relevant technical and scientific details regarding the characteristics of the following subjects:

(a) Recipient organism or parental organisms. The biological characteristics of the recipient organism or parental organisms, including information on taxonomic status, common name, origin, centres of origin and centres of genetic diversity, if known, and a description of the habitat where the organisms may persist or proliferate;

(b) Donor organism or organisms. Taxonomic status and common name, source, and the relevant biological characteristics of the donor organisms;

(c) Vector. Characteristics of the vector, including its identity, if any, and its source or origin, and its host range;

(d) Insert or inserts and/or characteristics of modification. Genetic characteristics of the inserted nucleic acid and the function it specifies, and/or characteristics of the modification introduced;

(e) Living modified organism. Identity of the living modified organism, and the differences between the biological characteristics of the living modified organism and those of the recipient organism or parental organisms;

(f) Detection and identification of the living modified organism. Suggested detection and identification methods and their specificity, sensitivity and reliability;

(g) Information relating to the intended use. Information relating to the intended use of the living modified organism, including new or changed use compared to the recipient organism or parental organisms; and

(h) Receiving environment. Information on the location, geographical, climatic and ecological characteristics, including relevant information on biological diversity and centres of origin of the likely potential receiving environment.
Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization to the Convention on Biological Diversity, 2010
The Parties to this Protocol,

Being Parties to the Convention on Biological Diversity, hereinafter referred to as “the Convention”,

Recalling that the fair and equitable sharing of benefits arising from the utilization of genetic resources is one of three core objectives of the Convention, and recognizing that this Protocol pursues the implementation of this objective within the Convention,

Reaffirming the sovereign rights of States over their natural resources and according to the provisions of the Convention,

Recalling further Article 15 of the Convention,

Recognizing the important contribution to sustainable development made by technology transfer and cooperation to build research and innovation capacities for adding value to genetic resources in developing countries, in accordance with Articles 16 and 19 of the Convention,

Recognizing that public awareness of the economic value of ecosystems and biodiversity and the fair and equitable sharing of this economic value with the custodians of biodiversity are key incentives for the conservation of biological diversity and the sustainable use of its components,

Acknowledging the potential role of access and benefit-sharing to contribute to the conservation and sustainable use of biological diversity, poverty eradication and environmental sustainability and thereby contributing to achieving the Millennium Development Goals,

Acknowledging the linkage between access to genetic resources and the fair and equitable sharing of benefits arising from the utilization of such resources,

Recognizing the importance of providing legal certainty with respect to access to genetic resources and the fair and equitable sharing of benefits arising from their utilization,
Further recognizing the importance of promoting equity and fairness in negotiation of mutually agreed terms between providers and users of genetic resources,

Recognizing also the vital role that women play in access and benefit-sharing and affirming the need for the full participation of women at all levels of policy-making and implementation for biodiversity conservation,

Determined to further support the effective implementation of the access and benefit-sharing provisions of the Convention,

Recognizing that an innovative solution is required to address the fair and equitable sharing of benefits derived from the utilization of genetic resources and traditional knowledge associated with genetic resources that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent,

Recognizing the importance of genetic resources to food security, public health, biodiversity conservation, and the mitigation of and adaptation to climate change,

Recognizing the special nature of agricultural biodiversity: its distinctive features and problems needing distinctive solutions,

Recognizing the interdependence of all countries with regard to genetic resources for food and agriculture as well as their special nature and importance for achieving food security worldwide and for sustainable development of agriculture in the context of poverty alleviation and climate change and acknowledging the fundamental role of the International Treaty on Plant Genetic Resources for Food and Agriculture and the FAO Commission on Genetic Resources for Food and Agriculture in this regard,

Mindful of the International Health Regulations (2005) of the World Health Organization and the importance of ensuring access to human pathogens for public health preparedness and response purposes,

Acknowledging ongoing work in other international forums relating to access and benefit-sharing,

Recalling the Multilateral System of Access and Benefit-sharing established under the International Treaty on Plant Genetic Resources for Food and Agriculture developed in harmony with the Convention,

Recognizing that international instruments related to access and benefit-sharing should be mutually supportive with a view to achieving the objectives of the Convention,

Recalling the relevance of Article 8(j) of the Convention as it relates to traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising from the utilization of such knowledge,

Noting the interrelationship between genetic resources and traditional knowledge, their inseparable nature for indigenous and local communities, the importance of the traditional knowledge for the conservation of biological diversity and the sustainable use of its components, and for the sustainable livelihoods of these communities,

Recognizing the diversity of circumstances in which traditional knowledge associated with genetic resources is held or owned by indigenous and local communities,

Mindful that it is the right of indigenous and local communities to identify the rightful holders of their traditional knowledge associated with genetic resources, within their communities,

Further recognizing the unique circumstances where traditional knowledge associated with genetic resources is held in countries, which may be oral, documented or in other forms, reflecting a rich cultural heritage relevant for conservation and sustainable use of biological diversity,

Noting the United Nations Declaration on the Rights of Indigenous Peoples, and

Affirming that nothing in this Protocol shall be construed as diminishing or extinguishing the existing rights of indigenous and local communities,

Have agreed as follows:

**ARTICLE 1**

**OBJECTIVE**

The objective of this Protocol is the fair and equitable sharing of the benefits arising from 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, thereby contributing to the conservation of biological diversity and the sustainable use of its components.

**ARTICLE 2**

**USE OF TERMS**

The terms defined in Article 2 of the Convention shall apply to this Protocol. In addition, for the purposes of this Protocol:

(a) “Conference of the Parties” means the Conference of the Parties to the Convention;

(b) “Convention” means the Convention on Biological Diversity;

(c) “Utilization of genetic resources” means to conduct research and development on the genetic and/or biochemical composition of genetic resources, including through the application of biotechnology as defined in Article 2 of the Convention;

(d) “Biotechnology” as defined in Article 2 of the Convention means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use;

(e) “Derivative” means a naturally occurring biochemical compound resulting from the genetic expression or metabolism of biological or genetic resources, even if it does not contain functional units of heredity.

**ARTICLE 3**

**SCOPE**

This Protocol shall apply to genetic resources within the scope of Article 15 of the Convention and to the benefits arising from the utilization of such resources. This Protocol shall also apply to traditional knowledge associated with genetic resources within the scope of the Convention and to the benefits arising from the utilization of such knowledge.

**ARTICLE 4**

**RELATIONSHIP WITH INTERNATIONAL AGREEMENTS AND INSTRUMENTS**

1. The provisions of this Protocol shall not affect the rights and obligations of any 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. This paragraph is not intended to create a hierarchy between this Protocol and other international instruments.

2. Nothing in this Protocol shall prevent the Parties from developing and implementing other relevant international agreements, including other specialized access and benefit-sharing agreements, provided that they are supportive of and do not run counter to the objectives of the Convention and this Protocol.

3. This Protocol shall be implemented in a mutually supportive manner with other international instruments relevant to this Protocol. Due regard should be paid to useful and relevant ongoing work or practices under such international instruments and relevant international organizations, provided that they are supportive of and do not run counter to the objectives of the Convention and this Protocol.

4. This Protocol is the instrument for the implementation of the access and benefit-sharing provisions of the Convention. Where a specialized international access and benefit-sharing instrument applies that is consistent with, and does not run counter to the objectives of the Convention and this Protocol, this Protocol does not apply for the Party or Parties to the specialized instrument in respect of the specific genetic resource covered by and for the purpose of the specialized instrument.

**ARTICLE 5**

**FAIR AND EQUITABLE BENEFIT-SHARING**

1. In accordance with Article 15, paragraphs 3 and 7 of the Convention, benefits arising from the utilization of genetic resources as well as subsequent applications and commercialization shall be shared in a fair and equitable way with the Party providing such resources that is the country of origin of such resources or a Party that has acquired the genetic resources in accordance with the Convention. Such sharing shall be upon mutually agreed terms.
2. Each Party shall take legislative, administrative or policy measures, as appropriate, with the aim of ensuring that benefits arising from the utilization of genetic resources that are held by indigenous and local communities, in accordance with domestic legislation regarding the established rights of these indigenous and local communities over these genetic resources, are shared in a fair and equitable way with the communities concerned, based on mutually agreed terms.

3. To implement paragraph 1 above, each Party shall take legislative, administrative or policy measures, as appropriate.

4. Benefits may include monetary and non-monetary benefits, including but not limited to those listed in the Annex.

5. Each Party shall take legislative, administrative or policy measures, as appropriate, in order that the benefits arising from the utilization of traditional knowledge associated with genetic resources are shared in a fair and equitable way with indigenous and local communities holding such knowledge. Such sharing shall be upon mutually agreed terms.

ARTICLE 6
ACCESS TO GENETIC RESOURCES

1. In the exercise of sovereign rights over natural resources, and subject to domestic access and benefit-sharing legislation or regulatory requirements, access to genetic resources for their utilization shall be subject to the prior informed consent of the Party providing such resources that is the country of origin of such resources or a Party that has acquired the genetic resources in accordance with the Convention, unless otherwise determined by that Party.

2. In accordance with domestic law, each Party shall take measures, as appropriate, with the aim of ensuring that the prior informed consent or approval and involvement of indigenous and local communities is obtained for access to genetic resources where they have the established right to grant access to such resources.

3. Pursuant to paragraph 1 above, each Party requiring prior informed consent shall take the necessary legislative, administrative or policy measures, as appropriate, to:

(a) Provide for legal certainty, clarity and transparency of their domestic access and benefit-sharing legislation or regulatory requirements;

(b) Provide for fair and non-arbitrary rules and procedures on accessing genetic resources;

(c) Provide information on how to apply for prior informed consent;

(d) Provide for a clear and transparent written decision by a competent national authority, in a cost-effective manner and within a reasonable period of time;

(e) Provide for the issuance at the time of access of a permit or its equivalent as evidence of the decision to grant prior informed consent and of the establishment of mutually agreed terms, and notify the Access and Benefit-sharing Clearing-House accordingly;

(f) Where applicable, and subject to domestic legislation, set out criteria and/or processes for obtaining prior informed consent or approval and involvement of indigenous and local communities for access to genetic resources; and

(g) Establish clear rules and procedures for requiring and establishing mutually agreed terms. Such terms shall be set out in writing and may include, inter alia:

(i) A dispute settlement clause;

(ii) Terms on benefit-sharing, including in relation to intellectual property rights;

(iii) Terms on subsequent third-party use, if any; and

(iv) Terms on changes of intent, where applicable.

ARTICLE 7
ACCESS TO TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES

In accordance with domestic law, each Party shall take measures, as appropriate, with the aim of ensuring that traditional knowledge associated with genetic resources that is held by indigenous and local communities is accessed with the prior and informed consent or approval and involvement of these indigenous and local communities, and that mutually agreed terms have been established.
ARTICLE 8

SPECIAL CONSIDERATIONS

In the development and implementation of its access and benefit-sharing legislation or regulatory requirements, each Party shall:

(a) Create conditions to promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, including through simplified measures on access for non-commercial research purposes, taking into account the need to address a change of intent for such research;

(b) Pay due regard to cases of present or imminent emergencies that threaten or damage human, animal or plant health, as determined nationally or internationally. Parties may take into consideration the need for expeditious access to genetic resources and expeditious fair and equitable sharing of benefits arising out of the use of such genetic resources, including access to affordable treatments by those in need, especially in developing countries;

(c) Consider the importance of genetic resources for food and agriculture and their special role for food security.

ARTICLE 9

CONTRIBUTION TO CONSERVATION AND SUSTAINABLE USE

The Parties shall encourage users and providers to direct benefits arising from the utilization of genetic resources towards the conservation of biological diversity and the sustainable use of its components.

ARTICLE 10

GLOBAL MULTILATERAL BENEFIT-SHARING MECHANISM

Parties shall consider the need for and modalities of a global multilateral benefit-sharing mechanism to address the fair and equitable sharing of benefits derived from the utilization of genetic resources and traditional knowledge associated with genetic resources that occur in transboundary situations or for which it is not possible to grant or obtain prior informed consent. The benefits shared by users of genetic resources and traditional knowledge associated with genetic resources through this mechanism shall be used to support the conservation of biological diversity and the sustainable use of its components globally.

ARTICLE 11

TRANSBOUNDARY COOPERATION

1. In instances where the same genetic resources are found in situ within the territory of more than one Party, those Parties shall endeavour to cooperate, as appropriate, with the involvement of indigenous and local communities concerned, where applicable, with a view to implementing this Protocol.

2. Where the same traditional knowledge associated with genetic resources is shared by one or more indigenous and local communities in several Parties, those Parties shall endeavour to cooperate, as appropriate, with the involvement of the indigenous and local communities concerned, with a view to implementing the objective of this Protocol.

ARTICLE 12

TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES

1. In implementing their obligations under this Protocol, Parties shall in accordance with domestic law take into consideration indigenous and local communities’ customary laws, community protocols and procedures, as applicable, with respect to traditional knowledge associated with genetic resources.

2. Parties, with the effective participation of the indigenous and local communities concerned, shall establish mechanisms to inform potential users of traditional knowledge associated with genetic resources about their obligations, including measures as made available through the Access and Benefit-sharing Clearing-House for access to and fair and equitable sharing of benefits arising from the utilization of such knowledge.

3. Parties shall endeavour to support, as appropriate, the development by indigenous and local communities, including women within these communities, of:

(a) Community protocols in relation to access to traditional knowledge associated with genetic resources and the fair and equitable sharing of benefits arising out of the utilization of such knowledge;

(b) Minimum requirements for mutually agreed terms to secure the fair and equitable sharing of benefits arising from the utilization of traditional knowledge associated with genetic resources; and
(c) Model contractual clauses for benefit-sharing arising from the utilization of traditional knowledge associated with genetic resources.

4. Parties, in their implementation of this Protocol, shall, as far as possible, not restrict the customary use and exchange of genetic resources and associated traditional knowledge within and amongst indigenous and local communities in accordance with the objectives of the Convention.

ARTICLE 13
NATIONAL FOCAL POINTS AND COMPETENT NATIONAL AUTHORITIES

1. Each Party shall designate a national focal point on access and benefit-sharing. The national focal point shall make information available as follows:

   (a) For applicants seeking access to genetic resources, information on procedures for obtaining prior informed consent and establishing mutually agreed terms, including benefit-sharing;

   (b) For applicants seeking access to traditional knowledge associated with genetic resources, where possible, information on procedures for obtaining prior informed consent or approval and involvement, as appropriate, of indigenous and local communities and establishing mutually agreed terms including benefit-sharing; and

   (c) Information on competent national authorities, relevant indigenous and local communities and relevant stakeholders.

The national focal point shall be responsible for liaison with the Secretariat.

2. Each Party shall designate one or more competent national authorities on access and benefit-sharing. Competent national authorities shall, in accordance with applicable national legislative, administrative or policy measures, be responsible for granting access or, as applicable, issuing written evidence that access requirements have been met and be responsible for advising on applicable procedures and requirements for obtaining prior informed consent and entering into mutually agreed terms.

3. A Party may designate a single entity to fulfil the functions of both focal point and competent national authority.

4. Each Party shall, no later than the date of entry into force of this Protocol for it, notify the Secretariat of the contact information of its national focal point and its competent national authority or authorities. Where a Party designates more than one competent national authority, it shall convey to the Secretariat, with its notification thereof, relevant information on the respective responsibilities of those authorities. Where applicable, such information shall, at a minimum, specify which competent authority is responsible for the genetic resources sought. Each Party shall forthwith notify the Secretariat of any changes in the designation of its national focal point or in the contact information or responsibilities of its competent national authority or authorities.

5. The Secretariat shall make information received pursuant to paragraph 4 above available through the Access and Benefit-sharing Clearing-House.

ARTICLE 14
THE ACCESS AND BENEFIT-SHARING CLEARING-HOUSE AND INFORMATION SHARING

1. An Access and Benefit-sharing Clearing-House is hereby established as part of the clearing-house mechanism under Article 18, paragraph 3, of the Convention. It shall serve as a means for sharing of information related to access and benefit-sharing. In particular, it shall provide access to information made available by each Party relevant to the implementation of this Protocol.

2. Without prejudice to the protection of confidential information, each Party shall make available to the Access and Benefit-sharing Clearing-House any information required by this Protocol, as well as information required pursuant to the decisions taken by the Conference of the Parties serving as the meeting of the Parties to this Protocol. The information shall include:

   (a) Legislative, administrative and policy measures on access and benefit-sharing;

   (b) Information on the national focal point and competent national authority or authorities; and

   (c) Permits or their equivalent issued at the time of access as evidence of the decision to grant prior informed consent and of the establishment of mutually agreed terms.

3. Additional information, if available and as appropriate, may include:

   (a) Relevant competent authorities of indigenous and local communities, and information as so decided;
(b) Model contractual clauses;
(c) Methods and tools developed to monitor genetic resources; and
(d) Codes of conduct and best practices.

4. The modalities of the operation of the Access and Benefit-sharing Clearing-House, including reports on its activities, shall be considered and decided upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first meeting, and kept under review thereafter.

**ARTICLE 15**

**COMPLIANCE WITH DOMESTIC LEGISLATION OR REGULATORY REQUIREMENTS ON ACCESS AND BENEFIT-SHARING**

1. Each Party shall take appropriate, effective and proportionate legislative, administrative or policy measures to provide that genetic resources utilized within its jurisdiction have been accessed in accordance with prior informed consent and that mutually agreed terms have been established, as required by the domestic access and benefit-sharing legislation or regulatory requirements of the other Party.

2. Parties shall take appropriate, effective and proportionate measures to address situations of non-compliance with measures adopted in accordance with paragraph 1 above.

3. Parties shall, as far as possible and as appropriate, cooperate in cases of alleged violation of domestic access and benefit-sharing legislation or regulatory requirements referred to in paragraph 1 above.

**ARTICLE 16**

**COMPLIANCE WITH DOMESTIC LEGISLATION OR REGULATORY REQUIREMENTS ON ACCESS AND BENEFIT-SHARING FOR TRADITIONAL KNOWLEDGE ASSOCIATED WITH GENETIC RESOURCES**

1. Each Party shall take appropriate, effective and proportionate legislative, administrative or policy measures, as appropriate, to provide that traditional knowledge associated with genetic resources utilized within their jurisdiction has been accessed in accordance with prior informed consent or approval and involvement of indigenous and local communities and that mutually agreed terms have been established, as required by domestic access and benefit-sharing legislation or regulatory requirements of the other Party where such indigenous and local communities are located.

2. Each Party shall take appropriate, effective and proportionate measures to address situations of non-compliance with measures adopted in accordance with paragraph 1 above.

3. Parties shall, as far as possible and as appropriate, cooperate in cases of alleged violation of domestic access and benefit-sharing legislation or regulatory requirements referred to in paragraph 1 above.

**ARTICLE 17**

**MONITORING THE UTILIZATION OF GENETIC RESOURCES**

1. To support compliance, each Party shall take measures, as appropriate, to monitor and to enhance transparency about the utilization of genetic resources. Such measures shall include:
   
   (a) The designation of one or more checkpoints, as follows:

   (i) Designated checkpoints would collect or receive, as appropriate, relevant information related to prior informed consent, to the source of the genetic resource, to the establishment of mutually agreed terms, and/or to the utilization of genetic resources, as appropriate;

   (ii) Each Party shall, as appropriate and depending on the particular characteristics of a designated checkpoint, require users of genetic resources to provide the information specified in the above paragraph at a designated checkpoint. Each Party shall take appropriate, effective and proportionate measures to address situations of non-compliance;

   (iii) Such information, including from internationally recognized certificates of compliance where they are available, will, without prejudice to the protection of confidential information, be provided to relevant national authorities, to the Party providing prior informed consent and to the Access and Benefit-sharing Clearing-House, as appropriate;
(iv) Checkpoints must be effective and should have functions relevant to implementation of this subparagraph (a). They should be relevant to the utilization of genetic resources, or to the collection of relevant information at, *inter alia*, any stage of research, development, innovation, pre-commercialization or commercialization.

(b) Encouraging users and providers of genetic resources to include provisions in mutually agreed terms to share information on the implementation of such terms, including through reporting requirements; and

(c) Encouraging the use of cost-effective communication tools and systems.

2. A permit or its equivalent issued in accordance with Article 6, paragraph 3 (e) and made available to the Access and Benefit-sharing Clearing-House, shall constitute an internationally recognized certificate of compliance.

3. An internationally recognized certificate of compliance shall serve as evidence that the genetic resource which it covers has been accessed in accordance with prior informed consent and that mutually agreed terms have been established, as required by the domestic access and benefit-sharing legislation or regulatory requirements of the Party providing prior informed consent.

4. The internationally recognized certificate of compliance shall contain the following minimum information when it is not confidential:

(a) Issuing authority;

(b) Date of issuance;

(c) The provider;

(d) Unique identifier of the certificate;

(e) The person or entity to whom prior informed consent was granted;

(f) Subject-matter or genetic resources covered by the certificate;

(g) Confirmation that mutually agreed terms were established;

(h) Confirmation that prior informed consent was obtained; and

(i) Commercial and/or non-commercial use.

**ARTICLE 18**

**COMPLIANCE WITH MUTUALLY AGREED TERMS**

1. In the implementation of Article 6, paragraph 3 (g) (i) and Article 7, each Party shall encourage providers and users of genetic resources and/or traditional knowledge associated with genetic resources to include provisions in mutually agreed terms to cover, where appropriate, dispute resolution including:

(a) The jurisdiction to which they will subject any dispute resolution processes;

(b) The applicable law; and/or

(c) Options for alternative dispute resolution, such as mediation or arbitration.

2. Each Party shall ensure that an opportunity to seek recourse is available under their legal systems, consistent with applicable jurisdictional requirements, in cases of disputes arising from mutually agreed terms.

3. Each Party shall take effective measures, as appropriate, regarding:

(a) Access to justice; and

(b) The utilization of mechanisms regarding mutual recognition and enforcement of foreign judgments and arbitral awards.

4. The effectiveness of this article shall be reviewed by the Conference of the Parties serving as the meeting of the Parties to this Protocol in accordance with Article 31 of this Protocol.

**ARTICLE 19**

**MODEL CONTRACTUAL CLAUSES**

1. Each Party shall encourage, as appropriate, the development, update and use of sectoral and cross-sectoral model contractual clauses for mutually agreed terms.
2. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall periodically take stock of the use of sectoral and cross-sectoral model contractual clauses.

ARTICLE 20

CODES OF CONDUCT, GUIDELINES AND BEST PRACTICES AND/OR STANDARDS

1. Each Party shall encourage, as appropriate, the development, update and use of voluntary codes of conduct, guidelines and best practices and/or standards in relation to access and benefit-sharing.

2. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall periodically take stock of the use of voluntary codes of conduct, guidelines and best practices and/or standards and consider the adoption of specific codes of conduct, guidelines and best practices and/or standards.

ARTICLE 21

AWARENESS-RAISING

Each Party shall take measures to raise awareness of the importance of genetic resources and traditional knowledge associated with genetic resources, and related access and benefit-sharing issues. Such measures may include, *inter alia*:

(a) Promotion of this Protocol, including its objective;

(b) Organization of meetings of indigenous and local communities and relevant stakeholders;

(c) Establishment and maintenance of a help desk for indigenous and local communities and relevant stakeholders;

(d) Information dissemination through a national clearing-house;

(e) Promotion of voluntary codes of conduct, guidelines and best practices and/or standards in consultation with indigenous and local communities and relevant stakeholders;

(f) Promotion of, as appropriate, domestic, regional and international exchanges of experience;

(g) Education and training of users and providers of genetic resources and traditional knowledge associated with genetic resources about their access and benefit-sharing obligations;

(h) Involvement of indigenous and local communities and relevant stakeholders in the implementation of this Protocol; and

(i) Awareness-raising of community protocols and procedures of indigenous and local communities.

ARTICLE 22

CAPACITY

1. The Parties shall cooperate in the capacity-building, capacity development and strengthening of human resources and institutional capacities to effectively implement this Protocol in developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, including through existing global, regional, subregional and national institutions and organizations. In this context, Parties should facilitate the involvement of indigenous and local communities and relevant stakeholders, including non-governmental organizations and the private sector.

2. The need of developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition for financial resources in accordance with the relevant provisions of the Convention shall be taken fully into account for capacity-building and development to implement this Protocol.

3. As a basis for appropriate measures in relation to the implementation of this Protocol, developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition should identify their national capacity needs and priorities through national capacity self-assessments. In doing so, such Parties should support the capacity needs and priorities of indigenous and local communities and relevant stakeholders, as identified by them, emphasizing the capacity needs and priorities of women.

4. In support of the implementation of this Protocol, capacity-building and development may address, *inter alia*, the following key areas:

(a) Capacity to implement, and to comply with the obligations of this Protocol;
(b) Capacity to negotiate mutually agreed terms;

(c) Capacity to develop, implement and enforce domestic legislative, administrative or policy measures on access and benefit-sharing; and

(d) Capacity of countries to develop their endogenous research capabilities to add value to their own genetic resources.

5. Measures in accordance with paragraphs 1 to 4 above may include, *inter alia*:

(a) Legal and institutional development;

(b) Promotion of equity and fairness in negotiations, such as training to negotiate mutually agreed terms;

(c) The monitoring and enforcement of compliance;

(d) Employment of best available communication tools and Internet-based systems for access and benefit-sharing activities;

(e) Development and use of valuation methods;

(f) Bioprospecting, associated research and taxonomic studies;

(g) Technology transfer, and infrastructure and technical capacity to make such technology transfer sustainable;

(h) Enhancement of the contribution of access and benefit-sharing activities to the conservation of biological diversity and the sustainable use of its components;

(i) Special measures to increase the capacity of relevant stakeholders in relation to access and benefit-sharing; and

(j) Special measures to increase the capacity of indigenous and local communities with emphasis on enhancing the capacity of women within those communities in relation to access to genetic resources and/or traditional knowledge associated with genetic resources.

6. Information on capacity-building and development initiatives at national, regional and international levels, undertaken in accordance with paragraphs 1 to 5 above, should be provided to the Access and Benefit-sharing Clearing-House with a view to promoting synergy and coordination on capacity-building and development for access and benefit-sharing.

**ARTICLE 23**

**TECHNOLOGY TRANSFER, COLLABORATION AND COOPERATION**

In accordance with Articles 15, 16, 18 and 19 of the Convention, the Parties shall collaborate and cooperate in technical and scientific research and development programmes, including biotechnological research activities, as a means to achieve the objective of this Protocol. The Parties undertake to promote and encourage access to technology by, and transfer of technology to, developing country Parties, in particular the least developed countries and small island developing States among them, and Parties with economies in transition, in order to enable the development and strengthening of a sound and viable technological and scientific base for the attainment of the objectives of the Convention and this Protocol. Where possible and appropriate such collaborative activities shall take place in and with a Party or the Parties providing genetic resources that is the country or are the countries of origin of such resources or a Party or Parties that have acquired the genetic resources in accordance with the Convention.

**ARTICLE 24**

**NON-PARTIES**

The Parties shall encourage non-Parties to adhere to this Protocol and to contribute appropriate information to the Access and Benefit-sharing Clearing-House.

**ARTICLE 25**

**FINANCIAL MECHANISM AND RESOURCES**

1. In considering financial resources for the implementation of this Protocol, the Parties shall take into account the provisions of Article 20 of the Convention.

2. The financial mechanism of the Convention shall be the financial mechanism for this Protocol.

3. Regarding the capacity-building and development referred to in Article 22 of this Protocol, the Conference of the Parties serving as the
meeting of the Parties to this Protocol, in providing guidance with respect to
the financial mechanism referred to in paragraph 2 above, for consideration by
the Conference of the Parties, shall take into account the need of developing
country Parties, in particular the least developed countries and small island
developing States among them, and of Parties with economies in transition, for
financial resources, as well as the capacity needs and priorities of indigenous
and local communities, including women within these communities.

4. In the context of paragraph 1 above, the Parties shall also take into
account the needs of the developing country Parties, in particular the least
developed countries and small island developing States among them, and of
the Parties with economies in transition, in their efforts to identify and
implement their capacity-building and development requirements for the
purposes of the implementation of this Protocol.

5. The guidance to the financial mechanism of the Convention in relevant
decisions of the Conference of the Parties, including those agreed before the
adoption of this Protocol, shall apply, mutatis mutandis, to the provisions of
this Article.

6. The developed country Parties may also provide, and the developing
country Parties and the Parties with economies in transition avail themselves
of, financial and other resources for the implementation of the provisions of
this Protocol through bilateral, regional and multilateral channels.

ARTICLE 26

CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF
THE PARTIES TO THIS PROTOCOL

1. The Conference of the Parties shall serve as the meeting of the Parties to
this Protocol.

2. Parties to the Convention that are not Parties to this Protocol may
participate as observers in the proceedings of any meeting of the Conference of
the Parties serving as the meeting of the Parties to this Protocol. When the
Conference of the Parties serves as the meeting of the Parties to this Protocol,
decisions under this Protocol shall be taken only by those that are Parties to it.

3. When the Conference of the Parties serves as the meeting of the Parties
to this Protocol, any member of the Bureau of the Conference of the Parties
representing a Party to the Convention but, at that time, not a Party to this
Protocol, shall be substituted by a member to be elected by and from among
the Parties to this Protocol.

4. The Conference of the Parties serving as the meeting of the Parties to
this Protocol shall keep under regular review the implementation of this
Protocol and shall make, within its mandate, the decisions necessary to
promote its effective implementation. It shall perform the functions assigned to
it by this Protocol and shall:

   a) Make recommendations on any matters necessary for the
implementation of this Protocol;

   b) Establish such subsidiary bodies as are deemed necessary for the
implementation of this Protocol;

   c) Seek and utilize, where appropriate, the services and cooperation
of, and information provided by, competent international organizations and
intergovernmental and non-governmental bodies;

   d) Establish the form and the intervals for transmitting the
information to be submitted in accordance with Article 29 of this Protocol and
consider such information as well as reports submitted by any subsidiary body;

   e) ) Consider and adopt, as required, amendments to this Protocol and
its Annex, as well as any additional annexes to this Protocol, that are deemed
necessary for the implementation of this Protocol; and

   f) Exercise such other functions as may be required for the
implementation of this Protocol.

5. The rules of procedure of the Conference of the Parties and financial
rules of the Convention shall be applied, mutatis mutandis, under this Protocol,
except as may be otherwise decided by consensus by the Conference of the
Parties serving as the meeting of the Parties to this Protocol.

6. The first meeting of the Conference of the Parties serving as the meeting
of the Parties to this Protocol shall be convened by the Secretariat and held
concurrently with the first meeting of the Conference of the Parties that is
scheduled after the date of the entry into force of this Protocol. Subsequent
ordinary meetings of the Conference of the Parties serving as the meeting of
the Parties to this Protocol shall be held concurrently with ordinary meetings
of the Conference of the Parties, unless otherwise decided by the Conference
of the Parties serving as the meeting of the Parties to this Protocol.

7. Extraordinary meetings of the Conference of the Parties serving as the
meeting of the Parties to this Protocol shall be held at such other times as may
be deemed necessary by the Conference of the Parties serving as the meeting
of the Parties to this Protocol, 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.

8. 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 as observers at meetings of the Conference of the Parties serving as the meeting of the Parties to this Protocol. Any body or agency, whether national or international, governmental or non-governmental, that is qualified in matters covered by this Protocol and that has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties serving as a meeting of the Parties to this Protocol as an observer, may be so admitted, unless at least one third of the Parties present object. Except as otherwise provided in this Article, the admission and participation of observers shall be subject to the rules of procedure, as referred to in paragraph 5 above.

ARTICLE 27

SUBSIDIARY BODIES

1. Any subsidiary body established by or under the Convention may serve this Protocol, including upon a decision of the Conference of the Parties serving as the meeting of the Parties to this Protocol. Any such decision shall specify the tasks to be undertaken.

2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any meeting of any such subsidiary bodies. When a subsidiary body of the Convention serves as a subsidiary body to this Protocol, decisions under this Protocol shall be taken only by Parties to this Protocol.

3. When a subsidiary body of the Convention exercises its functions with regard to matters concerning this Protocol, any member of the bureau of that subsidiary body representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be substituted by a member to be elected by and from among the Parties to this Protocol.

ARTICLE 28

SECRETARIAT

1. The Secretariat established by Article 24 of the Convention shall serve as the secretariat to this Protocol.

2. Article 24, paragraph 1, of the Convention on the functions of the Secretariat shall apply, mutatis mutandis, to this Protocol.

3. To the extent that they are distinct, the costs of the secretariat services for this Protocol shall be met by the Parties hereto. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first meeting, decide on the necessary budgetary arrangements to this end.

ARTICLE 29

MONITORING AND REPORTING

Each Party shall monitor the implementation of its obligations under this Protocol, and shall, at intervals and in the format to be determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol, report to the Conference of the Parties serving as the meeting of the Parties to this Protocol on measures that it has taken to implement this Protocol.

ARTICLE 30

PROCEDURES AND MECHANISMS TO PROMOTE COMPLIANCE WITH THIS PROTOCOL

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first meeting, consider and approve cooperative procedures and institutional mechanisms to promote compliance with the provisions of this Protocol and to address cases of non-compliance. These procedures and mechanisms shall include provisions to offer advice or assistance, where appropriate. They shall be separate from, and without prejudice to, the dispute settlement procedures and mechanisms under Article 27 of the Convention.

ARTICLE 31

ASSESSMENT AND REVIEW

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall undertake, four years after the entry into force of this Protocol and thereafter at intervals determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol, an evaluation of the effectiveness of this Protocol.
ARTICLE 32

SIGNATURE

This Protocol shall be open for signature by Parties to the Convention at the United Nations Headquarters in New York, from 2 February 2011 to 1 February 2012.

ARTICLE 33

ENTRY INTO FORCE

1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession by States or regional economic integration organizations that are Parties to the Convention.

2. This Protocol shall enter into force for a State or regional economic integration organization that ratifies, accepts or approves this Protocol or accedes thereto after the deposit of the fiftieth instrument as referred to in paragraph 1 above, on the ninetieth day after the date on which that State or regional economic integration organization deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that State or regional economic integration organization, whichever shall be the later.

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 member States of such organization.

ARTICLE 34

RESERVATIONS

No reservations may be made to this Protocol.

ARTICLE 35

WITHDRAWAL

1. At any time after two years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from this Protocol by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

ARTICLE 36

AUTHENTIC TEXTS

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

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Protocol on the dates indicated.

DONE at Nagoya on this twenty-ninth day of October, two thousand and ten.
Annex

MONETARY AND NON-MONETARY BENEFITS

1. Monetary benefits may include, but not be limited to:
   (a) Access fees/fee per sample collected or otherwise acquired;
   (b) Up-front payments;
   (c) Milestone payments;
   (d) Payment of royalties;
   (e) Licence fees in case of commercialization;
   (f) Special fees to be paid to trust funds supporting conservation and sustainable use of biodiversity;
   (g) Salaries and preferential terms where mutually agreed;
   (h) Research funding;
   (i) Joint ventures;
   (j) Joint ownership of relevant intellectual property rights.

2. Non-monetary benefits may include, but not be limited to:
   (a) Sharing of research and development results;
   (b) Collaboration, cooperation and contribution in scientific research and development programmes, particularly biotechnological research activities, where possible in the Party providing genetic resources;
   (c) Participation in product development;
   (d) Collaboration, cooperation and contribution in education and training;
   (e) Admittance to ex situ facilities of genetic resources and to databases;
   (f) Transfer to the provider of the genetic resources of knowledge and technology under fair and most favourable terms, including on concessional and preferential terms where agreed, in particular, knowledge and technology that make use of genetic resources, including biotechnology, or that are relevant to the conservation and sustainable utilization of biological diversity;
   (g) Strengthening capacities for technology transfer;
   (h) Institutional capacity-building;
   (i) Human and material resources to strengthen the capacities for the administration and enforcement of access regulations;
   (j) Training related to genetic resources with the full participation of countries providing genetic resources, and where possible, in such countries;
   (k) Access to scientific information relevant to conservation and sustainable use of biological diversity, including biological inventories and taxonomic studies;
   (l) Contributions to the local economy;
   (m) Research directed towards priority needs, such as health and food security, taking into account domestic uses of genetic resources in the Party providing genetic resources;
   (n) Institutional and professional relationships that can arise from an access and benefit-sharing agreement and subsequent collaborative activities;
   (o) Food and livelihood security benefits;
   (p) Social recognition;
   (q) Joint ownership of relevant intellectual property rights.
Nagoya - Kuala Lumpur Supplementary Protocol on Liability and Redress to the Cartagena Protocol on Biosafety, 2010
NAGOYA — KUALA LUMPUR SUPPLEMENTARY PROTOCOL ON LIABILITY AND REDRESS TO THE CARTAGENA PROTOCOL ON BIOSAFETY
2. In addition, for the purposes of this Supplementary Protocol:

(a) “Conference of the Parties serving as the meeting of the Parties to the Protocol” means the Conference of the Parties to the Convention serving as the meeting of the Parties to the Protocol;

(b) “Damage” means an adverse effect on the conservation and sustainable use of biological diversity, taking also into account risks to human health, that:

(i) Is measurable or otherwise observable taking into account, wherever available, scientifically-established baselines recognized by a competent authority that takes into account any other human induced variation and natural variation; and

(ii) Is significant as set out in paragraph 3 below;

(c) “Operator” means any person in direct or indirect control of the living modified organism which could, as appropriate and as determined by domestic law, include, inter alia, the permit holder, person who placed the living modified organism on the market, developer, producer, notifier, exporter, importer, carrier or supplier;

(d) “Response measures” means reasonable actions to:

(i) Prevent, minimize, contain, mitigate, or otherwise avoid damage, as appropriate;

(ii) Restore biological diversity through actions to be undertaken in the following order of preference:

a. Restoration of biological diversity to the condition that existed before the damage occurred, or its nearest equivalent; and where the competent authority determines this is not possible;

b. Restoration by, inter alia, replacing the loss of biological diversity with other components of biological diversity for the same, or for another type of use either at the same or, as appropriate, at an alternative location.
3. A “significant” adverse effect is to be determined on the basis of factors, such as:

   (a) The long-term or permanent change, to be understood as change that will not be redressed through natural recovery within a reasonable period of time;

   (b) The extent of the qualitative or quantitative changes that adversely affect the components of biological diversity;

   (c) The reduction of the ability of components of biological diversity to provide goods and services;

   (d) The extent of any adverse effects on human health in the context of the Protocol.

Article 3 
SCOPE

1. This Supplementary Protocol applies to damage resulting from living modified organisms which find their origin in a transboundary movement. The living modified organisms referred to are those:

   (a) Intended for direct use as food or feed, or for processing;

   (b) Destined for contained use;

   (c) Intended for intentional introduction into the environment.

2. With respect to intentional transboundary movements, this Supplementary Protocol applies to damage resulting from any authorized use of the living modified organisms referred to in paragraph 1 above.

3. This Supplementary Protocol also applies to damage resulting from unintentional transboundary movements as referred to in Article 17 of the Protocol as well as damage resulting from illegal transboundary movements as referred to in Article 25 of the Protocol.

4. This Supplementary Protocol applies to damage resulting from a transboundary movement of living modified organisms that started after the entry into force of this Supplementary Protocol for the Party into whose jurisdiction the transboundary movement was made.

5. This Supplementary Protocol applies to damage that occurred in areas within the limits of the national jurisdiction of Parties.

6. Parties may use criteria set out in their domestic law to address damage that occurs within the limits of their national jurisdiction.

7. Domestic law implementing this Supplementary Protocol shall also apply to damage resulting from transboundary movements of living modified organisms from non-Parties.

Article 4
CAUSATION

A causal link shall be established between the damage and the living modified organism in question in accordance with domestic law.

Article 5
RESPONSE MEASURES

1. Parties shall require the appropriate operator or operators, in the event of damage, subject to any requirements of the competent authority, to:

   (a) Immediately inform the competent authority;

   (b) Evaluate the damage; and

   (c) Take appropriate response measures.

2. The competent authority shall:

   (a) Identify the operator which has caused the damage;

   (b) Evaluate the damage; and

   (c) Determine which response measures should be taken by the operator.

3. Where relevant information, including available scientific information or information available in the Biosafety Clearing-House, indicates that there is a sufficient likelihood that damage will result if timely response measures are not taken, the operator shall be required to take appropriate response measures so as to avoid such damage.
4. The competent authority may implement appropriate response measures, including, in particular, when the operator has failed to do so.

5. The competent authority has the right to recover from the operator the costs and expenses of, and incidental to, the evaluation of the damage and the implementation of any such appropriate response measures. Parties may provide, in their domestic law, for other situations in which the operator may not be required to bear the costs and expenses.

6. Decisions of the competent authority requiring the operator to take response measures should be reasoned. Such decisions should be notified to the operator. Domestic law shall provide for remedies, including the opportunity for administrative or judicial review of such decisions. The competent authority shall, in accordance with domestic law, also inform the operator of the available remedies. Recourse to such remedies shall not impede the competent authority from taking response measures in appropriate circumstances, unless otherwise provided by domestic law.

7. In implementing this Article and with a view to defining the specific response measures to be required or taken by the competent authority, Parties may, as appropriate, assess whether response measures are already addressed by their domestic law on civil liability.

8. Response measures shall be implemented in accordance with domestic law.

9. 

EXEMPTIONS

1. Parties may provide, in their domestic law, for the following exemptions:

   (a) Act of God or force majeure; and

   (b) Act of war or civil unrest.

2. Parties may provide, in their domestic law, for any other exemptions or mitigations as they may deem fit.

10. 

FINANCIAL SECURITY

1. Parties retain the right to provide, in their domestic law, for financial security.

2. Parties shall exercise the right referred to in paragraph 1 above in a manner consistent with their rights and obligations under international law, taking into account the final three preambular paragraphs of the Protocol.

3. The first meeting of the Conference of the Parties serving as the meeting of the Parties to the Protocol after the entry into force of the Supplementary Protocol shall request the Secretariat to undertake a comprehensive study which shall address, *inter alia*:

   (a) The modalities of financial security mechanisms;

   (b) The commencement of the period to which a time limit applies.
(b) An assessment of the environmental, economic and social impacts of such mechanisms, in particular on developing countries; and

(c) An identification of the appropriate entities to provide financial security.

Article 11
RESPONSIBILITY OF STATES FOR INTERNATIONALLY WRONGFUL ACTS

This Supplementary Protocol shall not affect the rights and obligations of States under the rules of general international law with respect to the responsibility of States for internationally wrongful acts.

Article 12
IMPLEMENTATION AND RELATION TO CIVIL LIABILITY

1. Parties shall provide, in their domestic law, for rules and procedures that address damage. To implement this obligation, Parties shall provide for response measures in accordance with this Supplementary Protocol and may, as appropriate:

(a) Apply their existing domestic law, including, where applicable, general rules and procedures on civil liability;

(b) Apply or develop civil liability rules and procedures specifically for this purpose; or

(c) Apply or develop a combination of both.

2. Parties shall, with the aim of providing adequate rules and procedures in their domestic law on civil liability for material or personal damage associated with the damage as defined in Article 2, paragraph 2 (b):

(a) Continue to apply their existing general law on civil liability;

(b) Develop and apply or continue to apply civil liability law specifically for that purpose; or

(c) Develop and apply or continue to apply a combination of both.

3. When developing civil liability law as referred to in subparagraphs (b) or (c) of paragraphs 1 or 2 above, Parties shall, as appropriate, address, inter alia, the following elements:

(a) Damage;

(b) Standard of liability, including strict or fault-based liability;

(c) Channelling of liability, where appropriate;

(d) Right to bring claims.

Article 13
ASSESSMENT AND REVIEW

The Conference of the Parties serving as the meeting of the Parties to the Protocol shall undertake a review of the effectiveness of this Supplementary Protocol five years after its entry into force and every five years thereafter, provided information requiring such a review has been made available by Parties. The review shall be undertaken in the context of the assessment and review of the Protocol as specified in Article 35 of the Protocol, unless otherwise decided by the Parties to this Supplementary Protocol. The first review shall include a review of the effectiveness of Articles 10 and 12.

Article 14
CONFERENCE OF THE PARTIES SERVING AS THE MEETING OF THE PARTIES TO THE PROTOCOL

1. Subject to paragraph 2 of Article 32 of the Convention, the Conference of the Parties serving as the meeting of the Parties to the Protocol shall serve as the meeting of the Parties to this Supplementary Protocol.

2. The Conference of the Parties serving as the meeting of the Parties to the Protocol shall keep under regular review the implementation of this Supplementary Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Supplementary Protocol and, mutatis mutandis, the functions assigned to it by paragraphs 4 (a) and (f) of Article 29 of the Protocol.
Article 15
SECRETARIAT

The Secretariat established by Article 24 of the Convention shall serve as the secretariat to this Supplementary Protocol.

Article 16
RELATIONSHIP WITH THE CONVENTION AND THE PROTOCOL

1. This Supplementary Protocol shall supplement the Protocol and shall neither modify nor amend the Protocol.

2. This Supplementary Protocol shall not affect the rights and obligations of the Parties to this Supplementary Protocol under the Convention and the Protocol.

3. Except as otherwise provided in this Supplementary Protocol, the provisions of the Convention and the Protocol shall apply, mutatis mutandis, to this Supplementary Protocol.

4. Without prejudice to paragraph 3 above, this Supplementary Protocol shall not affect the rights and obligations of a Party under international law.

Article 17
SIGNATURE

This Supplementary Protocol shall be open for signature by Parties to the Protocol at the United Nations Headquarters in New York from 7 March 2011 to 6 March 2012.

Article 18
ENTRY INTO FORCE

1. This Supplementary Protocol shall enter into force on the ninetieth day after the date of deposit of the fortieth instrument of ratification, acceptance, approval or accession by States or regional economic integration organizations that are Parties to the Protocol.

2. This Supplementary Protocol shall enter into force for a State or regional economic integration organization that ratifies, accepts or approves it or accedes thereto after the deposit of the fortieth instrument as referred to in paragraph 1 above, on the ninetieth day after the date on which that State or regional economic integration organization deposits its instrument of ratification, acceptance, approval, or accession, or on the date on which the Protocol enters into force for that State or regional economic integration organization, whichever shall be the later.

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 member States of such organization.

Article 19
RESERVATIONS

No reservations may be made to this Supplementary Protocol.

Article 20
WITHDRAWAL

1. At any time after two years from the date on which this Supplementary Protocol has entered into force for a Party, that Party may withdraw from this Supplementary Protocol by giving written notification to the Depositary.

2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.

3. Any Party which withdraws from the Protocol in accordance with Article 39 of the Protocol shall be considered as also having withdrawn from this Supplementary Protocol.

Article 21
AUTHENTIC TEXTS

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

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Supplementary Protocol.

DONE at Nagoya on this fifteenth day of October two thousand and ten.
United Nations Framework Convention on Climate Change, 1992
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 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.

* Titles of articles are included solely to assist the reader.
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 policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification, and taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;

(b) In order to promote progress to this end, each of these Parties shall communicate, within six months of the entry into force of the Convention for it and periodically thereafter, and in accordance with Article 12, detailed information on its policies and measures referred to in subparagraph (a) above, as well as on its resulting projected anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol for the period referred to in subparagraph (a), with the aim of returning individually or jointly to their 1990 levels these anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;

(c) Calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change. The Conference of the Parties shall consider and agree on methodologies for these calculations at its first session and review them regularly thereafter;

(d) The Conference of the Parties shall, at its first session, review the adequacy of subparagraphs (a) and (b) above. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The Conference of the Parties, at its first session, shall also take decisions regarding criteria for joint implementation as indicated in subparagraph (a) above. A second review of subparagraphs (a) and (b) shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met;

(e) Each of these Parties shall:

(i) coordinate as appropriate with other such Parties, relevant economic and administrative instruments developed to achieve the objective of the Convention; and

(ii) identify and periodically review its own policies and practices which encourage activities that lead to greater levels of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol than would otherwise occur;

(f) The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned;

(g) Any Party not included in Annex I may, in its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a) and (b) above. The Depositary shall inform the other signatories and Parties of any such notification.
3. The developed country Parties and other developed Parties included in Annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

4. The developed country Parties and other developed Parties included in Annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.

5. The developed country Parties and other developed Parties included in Annex II shall take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organizations in a position to do so may also assist in facilitating the transfer of such technologies.

6. In the implementation of their commitments under paragraph 2 above, a certain degree of flexibility shall be allowed by the Conference of the Parties to the Parties included in Annex I undergoing the process of transition to a market economy, in order to enhance the ability of these Parties to address climate change, including with regard to the historical level of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol chosen as a reference.

7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on:

(a) Small island countries;

(b) Countries with low-lying coastal areas;

(c) Countries with arid and semi-arid areas, forested areas and areas liable to forest decay;

(d) Countries with areas prone to natural disasters;

(e) Countries with areas liable to drought and desertification;

(f) Countries with areas of high urban atmospheric pollution;

(g) Countries with areas with fragile ecosystems, including mountainous ecosystems;

(h) Countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products; and

(i) Landlocked 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 on 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 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).
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 practical, 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.

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**Annex I**

Australia  
Austria  
Belarus*  
Belgium  
Bulgaria*  
Canada  
Croatia*  
Czech Republic*  
Denmark  
European Economic Community  
Estonia*  
Finland  
France  
Germany  
Greece  
Hungary*  
Iceland  
Ireland  
Italy  
Japan  
Latvia*  
Liechtenstein*  
Lithuania*  
Luxembourg  
Monaco*  
Netherlands  
New Zealand  
Norway  
Poland*  
Portugal  
Romania*  
Russian Federation*  
Slovakia*  
Slovenia*  
Spain  
Sweden  
Switzerland  
Turkey  
Ukraine*  
United Kingdom of Great Britain and Northern Ireland  
United States of America

* Countries that are undergoing the process of transition to a market economy.

* **Publisher’s note:** Countries added to Annex 1 by an amendment that entered into force on 13 August 1998, pursuant to decision 4/CP.3 adopted at COP.3.
Annex II

Australia
Austria
Belgium
Canada
Denmark
European Economic Community
Finland
France
Germany
Greece
Iceland
Ireland
Italy
Japan
Luxembourg
Netherlands
New Zealand
Norway
Portugal
Spain
Sweden
Switzerland
United Kingdom of Great Britain and Northern Ireland
United States of America

Publisher's note: Turkey was deleted from Annex II by an amendment that entered into force 28 June 2002, pursuant to decision 26/CP.7 adopted at COP.7.
The Parties to this Protocol,

Being Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as "the Convention",

In pursuit of the ultimate objective of the Convention as stated in its Article 2,

Recalling the provisions of the Convention,

Being guided by Article 3 of the Convention,

Pursuant to the Berlin Mandate adopted by decision 1/CP.1 of the Conference of the Parties to the Convention at its first session,

Have agreed as follows:

Article 1

For the purposes of this Protocol, the definitions contained in Article 1 of the Convention shall apply. In addition:

1. "Conference of the Parties" means the Conference of the Parties to the Convention.
5. "Parties present and voting" means Parties present and casting an affirmative or negative vote.
6. "Party" means, unless the context otherwise indicates, a Party to this Protocol.
7. "Party included in Annex I” means a Party included in Annex I to the Convention, as may be amended, or a Party which has made a notification under Article 4, paragraph 2 (g), of the Convention.

Article 2

1. Each Party included in Annex I, in achieving its quantified emission limitation and reduction commitments under Article 3, in order to promote sustainable development, shall:
(a) Implement and/or further elaborate policies and measures in accordance with its national circumstances, such as:

(i) Enhancement of energy efficiency in relevant sectors of the national economy;

(ii) Protection and enhancement of sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol, taking into account its commitments under relevant international environmental agreements; promotion of sustainable forest management practices, afforestation and reforestation;

(iii) Promotion of sustainable forms of agriculture in light of climate change considerations;

(iv) Research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies;

(v) Progressive reduction or phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all greenhouse gas emitting sectors that run counter to the objective of the Convention and application of market instruments;

(vi) Encouragement of appropriate reforms in relevant sectors aimed at promoting policies and measures which limit or reduce emissions of greenhouse gases not controlled by the Montreal Protocol;

(vii) Measures to limit and/or reduce emissions of greenhouse gases not controlled by the Montreal Protocol in the transport sector;

(viii) Limitation and/or reduction of methane emissions through recovery and use in waste management, as well as in the production, transport and distribution of energy;

(b) Cooperate with other such Parties to enhance the individual and combined effectiveness of their policies and measures adopted under this Article, pursuant to Article 4, paragraph 2 (e) (i), of the Convention. To this end, these Parties shall take steps to share their experience and exchange information on such policies and measures, including developing ways of improving their comparability, transparency and effectiveness. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, consider ways to facilitate such cooperation, taking into account all relevant information.

2. The Parties included in Annex I shall pursue limitation or reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from aviation and marine bunker fuels, working through the International Civil Aviation Organization and the International Maritime Organization, respectively.

3. The Parties included in Annex I shall strive to implement policies and measures under this Article in such a way as to minimize adverse effects, including the adverse effects of climate change, effects on international trade, and social, environmental and economic impacts on other Parties, especially developing country Parties and in particular those identified in Article 4, paragraphs 8 and 9, of the Convention, taking into account Article 3 of the Convention. The Conference of the Parties serving as the meeting of the Parties to this Protocol may take further action, as appropriate, to promote the implementation of the provisions of this paragraph.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol, if it decides that it would be beneficial to coordinate any of the policies and measures in paragraph 1 (a) above, taking into account different national circumstances and potential effects, shall consider ways and means to elaborate the coordination of such policies and measures.

Article 3

1. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 5 per cent below 1990 levels in the commitment period 2008 to 2012.

2. Each Party included in Annex I shall, by 2005, have made demonstrable progress in achieving its commitments under this Protocol.

3. The net changes in greenhouse gas emissions by sources and removals by sinks resulting from direct human-induced land-use change and forestry activities, limited to afforestation, reforestation and deforestation since 1990, measured as verifiable changes in carbon stocks in each commitment period, shall be used to meet the commitments under this Article of each Party included in Annex I. The greenhouse gas emissions by sources and removals by sinks associated with those activities shall be reported in a transparent and verifiable manner and reviewed in accordance with Articles 7 and 8.

4. Prior to the first session of the Conference of the Parties serving as the meeting of the Parties to this Protocol, each Party included in Annex I shall provide, for consideration by the Subsidiary Body for Scientific and Technological Advice, data to establish its level of carbon stocks in 1990 and to enable an estimate to be made of its changes in carbon stocks in subsequent years. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, decide upon modalities, rules and guidelines as to how, and which, additional human-induced activities related to changes in greenhouse gas emissions by sources and removals by sinks in the agricultural soils and the land-use change and forestry categories shall be added to, or subtracted from, the assigned amounts for Parties included in Annex I, taking into account uncertainties, transparency in reporting, verifiability, the methodological work of the Intergovernmental Panel on Climate Change, the advice provided by the Subsidiary Body for Scientific and Technological Advice in accordance with Article 5 and the decisions of the Conference of the Parties. Such a decision shall apply in the second and subsequent commitment periods. A Party may choose to apply such a decision on these additional human-induced activities for its first commitment period, provided that these activities have taken place since 1990.
13. If the emissions of a Party included in Annex I in a commitment period are less than its assigned amount, the difference shall be added to its assigned amount for that Party for subsequent commitment periods.

14. Each Party included in Annex I shall strive to implement the commitments mentioned in paragraph 1 above in such a way as to minimize adverse social, environmental, and economic impacts on Parties included in Annex I. Each Party shall report on the implementation of these commitments to the Conference of the Parties at its first session, and shall provide information on Parties referred to in those paragraphs. Among the issues to be considered shall be the establishment of funding, insurance, and transfer of technology.

Article 4

1. Any Parties included in Annex I that have reached an agreement to fulfill their commitments under Article 3 jointly shall be deemed to have met those commitments provided that their total combined aggregate anthropogenic greenhouse gas emissions for the first commitment period, 2008-2012, are not greater than the assigned amount for those Parties calculated pursuant to paragraph 5 above.

2. The Parties to any such agreement shall notify the Conference of the Parties serving as the meeting of the Parties to the Protocol of the terms of the agreement, including the term of the agreement, any instruments of ratification, and the signature of the agreement.

3. Any such agreement shall remain in effect for the duration of the commitment period specified in Article 3, paragraph 7.

4. Any alteration in the composition of the organization after adoption of this Protocol shall not affect existing commitments under this Protocol. Any alteration in the composition of the organization shall only apply for the purposes of those commitments under Article 3 that are adopted subsequent to that alteration.

5. Any Party included in Annex I may use its assigned amount for hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride as its base year for hydrofluorocarbons, perfluorocarbons, and sulphur hexafluoride, for the purposes of calculating their assigned amount as required by Article 4, paragraph 7 above.

6. Any emission reduction units or any part of an assigned amount, which a Party acquires from another Party, shall be added to the assigned amount for the acquiring Party.

7. Any emission reduction units or any part of an assigned amount, which a Party transfers to another Party, shall be subtracted from the assigned amount for the transferring Party.

8. Any certified emission reductions which a Party acquires from another Party, shall be added to the assigned amount for the acquiring Party.

9. Any certified emission reductions which a Party acquires from another Party, shall be added to the assigned amount for the acquiring Party.

10. Any certified emission reductions which a Party acquires from another Party, shall be added to the assigned amount for the acquiring Party.

11. Any certified emission reductions which a Party acquires from another Party, shall be added to the assigned amount for the acquiring Party.

12. Any certified emission reductions which a Party acquires from another Party, shall be added to the assigned amount for the acquiring Party.
Article 5

1. Each Party included in Annex I shall have in place, no later than one year prior to the start of the first commitment period, a national system for the estimation of anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol. Guidelines for such national systems, which shall incorporate the methodologies specified in paragraph 2 below, shall be decided upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session.

2. Methodologies for estimating anthropogenic emissions by sources and sinks of greenhouse gases not controlled by the Montreal Protocol shall be those accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties at its third session. Where such methodologies are not used, appropriate adjustments shall be applied as determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session.

3. The global warming potentials used to calculate the carbon dioxide equivalence of anthropogenic emissions by sources and removals by sinks of greenhouse gases listed in Annex A shall be those accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties at its third session. Any revision to a global warming potential shall apply only to commitments under Article 3 in respect of any commitment period adopted subsequent to that revision.

Article 6

1. For the purpose of meeting its commitments under Article 3, any Party included in Annex I may transfer to, or acquire from, any other Party included in Annex I compensation units for the reductions in emissions by sources or enhancing removals by sinks of greenhouse gases in any sector of the economy, provided that:

(a) Any such project has the approval of the Parties involved;

(b) Any such project provides a reduction in emissions by sources or enhancing removals by sinks, that is additional to any that would otherwise occur; or

(c) It does not acquire any emission reduction units unless it is in compliance with its obligations under Articles 5 and 7, and

(d) The acquisition of emission reduction units shall be supplemental to domestic actions for the purposes of ensuring compliance with its commitments under Article 3.

2. Each Party included in Annex I shall incorporate in its national communication, submitted under Article 12 of the Convention, the supplemental information necessary to demonstrate compliance with its commitments under Article 3, according to paragraph 4 below.

3. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the preparation of the information required under this Article, taking into account guidelines for the preparation of the information required under Article 7.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the implementation of this Article, taking into account guidelines for the implementation of any other relevant decisions by the Conference of the Parties.
Article 8

1. The information submitted under Article 7 by each Party included in Annex I shall be reviewed by expert review teams, in accordance with guidance provided for this purpose by the Conference of the Parties, and shall be comprised of experts selected from those nominated by Parties to the Convention and, as appropriate, by international organizations. Additionally, the information shall be reviewed as part of the review of communications.

2. Expert review teams shall be coordinated by the secretariat and shall be composed of experts selected from those nominated by Parties to the Convention and, as appropriate, by international organizations. The expert review teams shall prepare a report to the Conference of the Parties, providing a thorough and comprehensive technical assessment of the implementation by a Party of this Protocol. Such reports shall be circulated by the secretariat to all Parties to the Convention. The secretariat shall list those questions of implementation referred to in paragraph 3 above, as well as any questions raised by Parties.

3. Expert review teams shall prepare a report to the Conference of the Parties, providing a thorough and comprehensive technical assessment of the implementation by a Party of this Protocol. Such reports shall be circulated by the secretariat to all Parties to the Convention. The secretariat shall list those questions of implementation referred to in paragraph 3 above, as well as any questions raised by Parties.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, with the assistance of the Subsidiary Body for Scientific and Technological Advice, consider:

(a) The information submitted by Parties under Article 7 and the reports of the expert reviews thereon conducted under this Article; and
(b) Those questions of implementation listed by the secretariat under paragraph 3 above, as well as any questions raised by Parties.

5. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall take appropriate action.
(c) Cooperate in the promotion of effective modalities for the development, application and diffusion of, and take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies, know-how, practices and processes pertinent to climate change, in particular to developing countries, including the formulation of policies and programmes for the effective transfer of environmentally sound technologies that are publicly owned or in the public domain and the creation of an enabling environment for the private sector, to promote and enhance the transfer of, and access to, environmentally sound technologies;

(d) Cooperate in scientific and technical research and promote the maintenance and the development of systematic observation systems and development of data archives to reduce uncertainties related to the climate system, the adverse impacts of climate change and the economic and social consequences of various response strategies, and promote the development and strengthening of endogenous capacities and capabilities to participate in international and intergovernmental efforts, programmes and networks on research and systematic observation, taking into account Article 5 of the Convention;

(e) Cooperate in and promote at the international level, and, where appropriate, using existing bodies, the development and implementation of education and training programmes, including the strengthening of national capacity building, in particular human and institutional capacities and the exchange or secondment of personnel to train experts in this field, in particular for developing countries, and facilitate at the national level public awareness of, and public access to information on, climate change. Suitable modalities should be developed to implement these activities through the relevant bodies of the Convention, taking into account Article 6 of the Convention;

(f) Include in their national communications information on programmes and activities undertaken pursuant to this Article in accordance with relevant decisions of the Conference of the Parties; and

(g) Give full consideration, in implementing the commitments under this Article, to Article 4, paragraph 8, of the Convention.

Article 11

1. In the implementation of Article 10, Parties shall take into account the provisions of Article 4, paragraphs 4, 5, 7, 8 and 9, of the Convention.

2. In the context of the implementation of Article 4, paragraph 1, of the Convention, in accordance with the provisions of Article 4, paragraph 3, and Article 11 of the Convention, and through the entity or entities entrusted with the operation of the financial mechanism of the Convention, the developed country Parties and other developed Parties included in Annex II to the Convention shall:

(a) Provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in advancing the implementation of existing commitments under Article 4, paragraph 1 (a), of the Convention that are covered in Article 10, subparagraph (a); and

(b) 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 advancing the implementation of existing commitments under Article 4, paragraph 1, of the Convention that are covered by Article 10 and that are agreed between a developing country Party and the international entity or entities referred to in Article 11 of the Convention, in accordance with that Article.

The implementation of these existing commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among developed country Parties. The guidance to the entity or entities entrusted with the operation of the financial mechanism of the Convention in relevant decisions of the Conference of the Parties, including those agreed before the adoption of this Protocol, shall apply mutatis mutandis to the provisions of this paragraph.

3. The developed country Parties and other developed Parties in Annex II to the Convention may also provide, and developing country Parties avail themselves of, financial resources for the implementation of Article 10, through bilateral, regional and other multilateral channels.

Article 12

1. A clean development mechanism is hereby defined.

2. The purpose of the clean development mechanism shall be to assist Parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist Parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments under Article 3.

3. Under the clean development mechanism:

(a) Parties not included in Annex I will benefit from project activities resulting in certified emission reductions; and

(b) Parties included in Annex I may use the certified emission reductions accruing from such project activities to contribute to compliance with part of their quantified emission limitation and reduction commitments under Article 3, as determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

4. The clean development mechanism shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Protocol and be supervised by an executive board of the clean development mechanism.

5. Emission reductions resulting from each project activity shall be certified by operational entities to be designated by the Conference of the Parties serving as the meeting of the Parties to this Protocol, on the basis of:

(a) Voluntary participation approved by each Party involved;
(b) Real, measurable, and long-term benefits related to the mitigation of climate change; and

(c) Reductions in emissions that are additional to any that would occur in the absence of the certified project activity.

6. The clean development mechanism shall assist in arranging funding of certified project activities as necessary.

7. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, elaborate modalities and procedures with the objective of ensuring transparency, efficiency and accountability through independent auditing and verification of project activities.

8. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall ensure that a share of the proceeds from certified project activities is used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.

9. Participation under the clean development mechanism, including in activities mentioned in paragraph 3 (a) above and in the acquisition of certified emission reductions, may involve private and/or public entities, and is to be subject to whatever guidance may be provided by the executive board of the clean development mechanism.

10. Certified emission reductions obtained during the period from the year 2000 up to the beginning of the first commitment period can be used to assist in achieving compliance in the first commitment period.

**Article 13**

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Protocol.

2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by those that are Parties to this Protocol.

3. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall:

(a) Assess, on the basis of all information made available to it in accordance with the provisions of this Protocol, the implementation of this Protocol by the Parties, the overall effects of the measures taken pursuant to this Protocol, 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;

(b) Periodically examine the obligations of the Parties under this Protocol, giving due consideration to any reviews required by Article 4, paragraph 2 (d), and Article 7, paragraph 2, of 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, and in this respect consider and adopt regular reports on the implementation of this Protocol;

(c) 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 this Protocol;

(d) 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 this Protocol;

(e) Promote and guide, in accordance with the objective of the Convention and the provisions of this Protocol, and taking fully into account the relevant decisions by the Conference of the Parties, the development and periodic refinement of comparable methodologies for the effective implementation of this Protocol, to be agreed on by the Conference of the Parties serving as the meeting of the Parties to this Protocol;

(f) Make recommendations on any matters necessary for the implementation of this Protocol;

(g) Seek to mobilize additional financial resources in accordance with Article 11, paragraph 2;

(h) Establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol;

(i) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and

(j) Exercise such other functions as may be required for the implementation of this Protocol, and consider any assignment resulting from a decision by the Conference of the Parties.

5. The rules of procedure of the Conference of the Parties and financial procedures applied under the Convention shall be applied mutatis mutandis under this Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Protocol.
6. The first session of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties that is scheduled after the date of the entry into force of this Protocol. Subsequent ordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held every year and in conjunction with ordinary sessions of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

7. Extraordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held at such other times as may be deemed necessary by the Conference of the Parties serving as the meeting of the Parties to this Protocol, 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.

8. 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 serving as the meeting of the Parties to this Protocol as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by this Protocol and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Protocol 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, as referred to in paragraph 5 above.

Article 14

1. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Protocol.

2. Article 8, paragraph 2, of the Convention on the functions of the secretariat, and Article 8, paragraph 3, of the Convention on arrangements made for the functioning of the secretariat, shall apply mutatis mutandis to this Protocol. The secretariat shall, in addition, exercise the functions assigned to it under this Protocol.

Article 15

1. The Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention shall serve as, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Protocol. The provisions relating to the functioning of these two bodies under the Convention shall apply mutatis mutandis to this Protocol. Sessions of the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Protocol shall be held in conjunction with the meetings of, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Convention.

2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any session of the subsidiary bodies. When the subsidiary bodies serve as the subsidiary bodies of this Protocol, decisions under this Protocol shall be taken only by those that are Parties to this Protocol.

3. When the subsidiary bodies established by Articles 9 and 10 of the Convention exercise their functions with regard to matters concerning this Protocol, any member of the Bureaux of those subsidiary bodies representing a Party to the Convention but, at that time, not a party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol.

Article 16

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, as soon as practicable, consider the application to this Protocol of, and modify as appropriate, the multilateral consultative process referred to in Article 13 of the Convention, in the light of any relevant decisions that may be taken by the Conference of the Parties. Any multilateral consultative process that may be applied to this Protocol shall operate without prejudice to the procedures and mechanisms established in accordance with Article 18.

Article 17

The Conference of the Parties shall define the relevant principles, modalities, rules and guidelines, in particular for verification, reporting and accountability for emissions trading. The Parties included in Annex B may participate in emissions trading for the purposes of fulfilling their commitments under Article 3. Any such trading shall be supplemental to domestic actions for the purpose of meeting quantified emission limitation and reduction commitments under that Article.

Article 18

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, approve appropriate and effective procedures and mechanisms to determine and to address cases of non-compliance with the provisions of this Protocol, including through the development of an indicative list of consequences, taking into account the cause, type, degree and frequency of non-compliance. Any procedures and mechanisms under this Article entailing binding consequences shall be adopted by means of an amendment to this Protocol.

Article 19

The provisions of Article 14 of the Convention on settlement of disputes shall apply mutatis mutandis to this Protocol.

Article 20

1. Any Party may propose amendments to this Protocol.

2. Amendments to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed amendment to this Protocol shall be communicated to the Parties by the secretariat at least
six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and 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 this Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall be adopted at 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 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 this Protocol.

5. 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 said amendment.

Article 21

1. Annexes to this Protocol shall form an integral part thereof, and any reference to this Protocol shall constitute at the same time a reference to any annexes thereto. Any annexes adopted after the entry into force of this Protocol shall be restricted to lists, forms and any other material of a scientific, technical, procedural or administrative character.

2. Any Party may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol. The text of any proposed annex or amendment shall be communicated to the Parties by the secretariat at the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed annex or amendment to the Parties and signatories to the Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed annex or amendment to this Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the proposed annex or amendment shall be adopted at a three-fourths majority vote of the Parties present and voting at the meeting. The adopted annex or amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

4. An annex, or amendment to an annex other than Annex A or B, that has been adopted in accordance with paragraph 3 above shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex, or amendment to an annex, shall not enter into force until such time as the withdrawal of their non-notification has been received by the Depositary.

5. The Parties shall have one vote each, except as provided for in paragraph 2 below.

Article 22

1. Each Party 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 on a number of votes equal to the number of their member States that are Parties to this Protocol. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

3. The Secretary-General of the United Nations shall be the Depositary of this Protocol.

Article 23

The Parties may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol. The text of any proposed annex or amendment shall be communicated to the Parties by the secretariat at the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed annex or amendment to the Parties and signatories to the Convention and, for information, to the Depositary.

4. The Parties shall make every effort to reach agreement on any proposed annex or amendment to this Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the proposed annex or amendment shall be adopted at a three-fourths majority vote of the Parties present and voting at the meeting. The adopted annex or amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

5. If the adoption of an annex or an amendment to an annex involves an amendment to this Protocol, this amendment shall enter into force simultaneously with the annex or amendment.

6. Any regional economic integration organization that becomes a Party to this Protocol shall be bound by all the obligations under this Protocol. In the case of such organizations, one of whose member States is a Party to this Protocol, any of the obligations with respect to which it may be entitled to exercise the right to vote shall be exercised by that Party on behalf of the organization. Where any such organization is formed in the future, the organization and the member States shall not be entitled to exercise rights under this Protocol concurrently.

7. Amendments to Annexes A and B to this Protocol shall be adopted and enter into force in accordance with the procedure set out in Article 20, provided that any amendment to Annex A shall be adopted only with the written consent of the Party concerned.
Article 25

1. This Protocol shall enter into force on the ninetieth day after the date on which not less than 55 Parties to the Convention, incorporating Parties included in Annex I which accounted in total for at least 55 per cent of the total carbon dioxide emissions for 1990 of the Parties included in Annex I, have deposited their instruments of ratification, acceptance, approval or accession.

2. For the purposes of this Article, “the total carbon dioxide emissions for 1990 of the Parties included in Annex I” means the amount communicated on or before the date of adoption of this Protocol by the Parties included in Annex I in their first national communications submitted in accordance with Article 12 of the Convention.

3. For each State or regional economic integration organization that ratifies, accepts or approves this Protocol or accedes thereto after the conditions set out in paragraph 1 above for entry into force have been fulfilled, this Protocol shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

4. For the purposes 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 the organization.

Article 26

No reservations may be made to this Protocol.

Article 27

1. At any time after three years from the date on which this Protocol has entered into force for a Party, that Party may withdraw from this Protocol 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 this Protocol.

Article 28

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

DONE at Kyoto this eleventh day of December one thousand nine hundred and ninety-seven.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have affixed their signatures to this Protocol on the dates indicated.

Annex A

Greenhouse gases
- Carbon dioxide (CO2)
- Methane (CH4)
- Nitrous oxide (N2O)
- Hydrofluorocarbons (HFCs)
- Perfluorocarbons (PFCs)
- Sulphur hexafluoride (SF6)

Sectors/source categories

Energy
- Fuel combustion
  - Energy industries
  - Manufacturing industries and construction
  - Transport
  - Other sectors
  - Other
- Fugitive emissions from fuels
  - Solid fuels
  - Oil and natural gas
  - Other

Industrial processes
- Mineral products
- Chemical industry
- Metal production
- Other production
- Production of halocarbons and sulphur hexafluoride
- Consumption of halocarbons and sulphur hexafluoride
- Other

Solvent and other product use
- Enteric fermentation
- Manure management
- Rice cultivation
- Agricultural soils
- Prescribed burning of savannas
- Field burning of agricultural residues
- Other

Agriculture
- Waste
  - Solid waste disposal on land
  - Wastewater handling
  - Waste incineration
  - Other
## Annex B

<table>
<thead>
<tr>
<th>Party</th>
<th>Quantified emission limitation or reduction commitment (percentage of base year or period)</th>
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* Countries that are undergoing the process of transition to a market economy.
Copenhagen Accord (Decision 2/CP.15), United Nations Framework Convention on Climate Change, Conference of the Parties, 2009 (FCCC/CP/2009/11/Add.1)
Decision 2/CP.15
Copenhagen Accord

The Conference of the Parties,

Takes note of the Copenhagen Accord of 18 December 2009.
The Heads of State, Heads of Government, Ministers, and other heads of the following delegations present at the United Nations Climate Change Conference 2009 in Copenhagen:

1. Albania, Algeria, Armenia, Australia, Austria, Bahamas, Bangladesh, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cote d’Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Estonia, Norway, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Iceland, India, Indonesia, Ireland, Israel, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Lao People’s Democratic Republic, Lebanon, Lesotho, Lithuania, Luxembourg, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, North Korea, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Zambia.

In pursuit of the ultimate objective of the Convention as stated in its Article 2, being guided by the principles and provisions of the Convention, noting the results of work done by the two Ad hoc Working Groups, endorsing decision 1/CP.15 on the Ad hoc Working Group on Long-term Cooperative Action and decision 1/CMP.5 that requests the Ad hoc Working Group on Further Commitments of Annex I Parties under the Kyoto Protocol to continue its work, have agreed on this Copenhagen Accord which is operational immediately.

1. We underline that climate change is one of the greatest challenges of our time. We emphasise our strong political will to urgently combat climate change in accordance with the principle of common but differentiated responsibilities and respective capabilities, and with a view to keeping global temperature increase below 2 degrees Celsius.

2. We agree that deep cuts in global emissions are required according to science, and need to be accompanied by the establishment of a comprehensive adaptation framework. We urge developed countries to provide adequate, predictable and sustainable financial resources, technology and capacity-building to support developing countries and, in particular, least developed countries, to implement adaptation measures, as well as to undertake measures for peaking will be longer in developing countries and bearing in mind that social and economic development and poverty eradication are the first and overriding priorities of developing countries and that a low-emission development strategy is indispensable to sustainable development.

3. Non-Annex I Parties to the Convention will implement individually or jointly the quantified economy-wide emissions targets for 2020, to be submitted in the format given in Appendix I by Annex I Parties to the secretariat and in accordance with the principles and provisions of the Convention, and will ensure that accounting of such targets and finance is rigorous and transparent.

4. Non-Annex I Parties will undertake mitigation actions, including those to be submitted to the secretariat by non-Annex I Parties in the format given in Appendix II by 31 January 2010, for full and complete compliance with the Kyoto Protocol.

5. Non-Annex I Parties shall communicate information on the implementation of actions taken in accordance with the Copenhagen Accord and the relevant provisions of the Convention, including support provided to developing countries.

6. We recognize the crucial role of reducing emission from deforestation and forest degradation (REDD) in reducing global emissions.

We agree to cooperate on the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.

7. We recognize the importance of reducing greenhouse gas emissions through sustainable forest management.

8. We will provide new and additional funding as well as improved access to enable developing countries to reduce emissions from deforestation and forest degradation (REDD) and enhance the implementation of the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.

9. We will further develop mechanisms to support the implementation of the Copenhagen Accord, including through the provision of financial resources, technology and capacity-building.

10. We will support and strengthen the implementation of the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.

11. We will further develop mechanisms to support the implementation of the Copenhagen Accord, including through the provision of financial resources, technology and capacity-building.

12. We will support and strengthen the implementation of the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.

13. We will support and strengthen the implementation of the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.

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23. We will support and strengthen the implementation of the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.

24. We will support and strengthen the implementation of the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.

25. We will support and strengthen the implementation of the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.

26. We will support and strengthen the implementation of the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.

27. We will support and strengthen the implementation of the Copenhagen Accord by providing incentives to forest countries to achieve substantial reduction of emissions from deforestation and forest degradation (REDD), including through the provision of financial resources, technology and capacity-building.
and transfer and capacity-building, for enhanced implementation of the Convention. The collective commitment by developed countries is to provide new and additional resources, including forestry and investments through international institutions, approaching USD 30 billion for the period 2010–2012 with balanced allocation between adaptation and mitigation. Funding for adaptation will be prioritized for the most vulnerable developing countries, such as the least developed countries, small island developing States and Africa. In the context of meaningful mitigation actions and transparency on implementation, developed countries commit to a goal of mobilizing jointly USD 100 billion dollars a year by 2020 to address the needs of developing countries. This funding will come from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources of finance. New multilateral funding for adaptation will be delivered through effective and efficient fund arrangements, with a governance structure providing for equal representation of developed and developing countries. A significant portion of such funding should flow through the Copenhagen Green Climate Fund.

9. To this end, a High Level Panel will be established under the guidance of and accountable to the Conference of the Parties to study the contribution of the potential sources of revenue, including alternative sources of finance, towards meeting this goal.

10. We decide that the Copenhagen Green Climate Fund shall be established as an operating entity of the financial mechanism of the Convention to support projects, programme, policies and other activities in developing countries related to mitigation including REDD-plus, adaptation, capacity-building, technology development and transfer.

11. In order to enhance action on development and transfer of technology we decide to establish a Technology Mechanism to accelerate technology development and transfer in support of action on adaptation and mitigation that will be guided by a country-driven approach and be based on national circumstances and priorities.

12. We call for an assessment of the implementation of this Accord to be completed by 2015, including in light of the Convention’s ultimate objective. This would include consideration of strengthening the long-term goal referencing various matters presented by the science, including in relation to temperature rises of 1.5 degrees Celsius.
The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention (Decision 1/CP.16), United Nations Framework Convention on Climate Change, Conference of the Parties, 2010 (FCCC/CP/2010/7/Add.1)
Decision 1/CP.16

The Cancun Agreements: Outcome of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention

The Conference of the Parties,

Recalling its decision 1/CP.13 (the Bali Action Plan) and decision 1/CP.15,

Seeking to secure progress in a balanced manner, with the understanding that, through this decision, not all aspects of the work of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention are concluded, and that nothing in this decision shall prejudice prospects for, or the content of, a legally binding outcome in the future,

Reaffirming the commitment to enable the full, effective and sustained implementation of the Convention through long-term cooperative action, now, up to and beyond 2012, in order to achieve the ultimate objective of the Convention,

Recalling the principles, provisions and commitments set forth in the Convention, in particular its Articles 3 and 4,

Recognizing that climate change represents an urgent and potentially irreversible threat to human societies and the planet, and thus requires to be urgently addressed by all Parties,

Affirming the legitimate needs of developing country Parties for the achievement of sustained economic growth and the eradication of poverty, so as to be able to deal with climate change,

Noting resolution 10/4 of the United Nations Human Rights Council on human rights and climate change, which recognizes that the adverse effects of climate change have a range of direct and indirect implications for the effective enjoyment of human rights and that the effects of climate change will be felt most acutely by those segments of the population that are already vulnerable owing to geography, gender, age, indigenous or minority status, or disability,

I. A shared vision for long-term cooperative action

1. Affirms that climate change is one of the greatest challenges of our time and that all Parties share a vision for long-term cooperative action in order to achieve the objective of the Convention under its Article 2, including through the achievement of a global goal, on the basis of equity and in accordance with common but differentiated responsibilities and respective capabilities; this vision is to guide the policies and actions of all Parties, while taking into full consideration the different circumstances of Parties in accordance with the principles and provisions of the Convention; the vision addresses mitigation, adaptation, finance, technology development and transfer, and capacity-building in a balanced, integrated and comprehensive manner to enhance and achieve the full, effective and sustained implementation of the Convention, now, up to and beyond 2012;
2. Further affirms that:

(a) Scaled-up overall mitigation efforts that allow for the achievement of desired stabilization levels are necessary, with developed country Parties showing leadership by undertaking ambitious emission reductions and providing technology, capacity-building and financial resources to developing country Parties, in accordance with the relevant provisions of the Convention;

(b) Adaptation must be addressed with the same priority as mitigation and requires appropriate institutional arrangements to enhance adaptation action and support;

(c) All Parties should cooperate, consistent with the principles of the Convention, through effective mechanisms, enhanced means and appropriate enabling environments, and enhance technology development and the transfer of technologies to developing country Parties to enable action on mitigation and adaptation;

(d) Mobilization and provision of scaled-up, new, additional, adequate and predictable financial resources is necessary to address the adaptation and mitigation needs of developing countries;

(e) Capacity-building is essential to enable developing country Parties to participate fully in, and to implement effectively, their commitments under the Convention; and that the goal is to enhance the capacity of developing country Parties in all areas;

3. Recognizes that warming of the climate system is unequivocal and that most of the observed increase in global average temperatures since the mid-twentieth century is very likely due to the observed increase in anthropogenic greenhouse gas concentrations, as assessed by the Intergovernmental Panel on Climate Change in its Fourth Assessment Report;

4. Further recognizes that deep cuts in global greenhouse gas emissions are required according to science, and as documented in the Fourth Assessment Report of the Intergovernmental Panel on Climate Change, with a view to reducing global greenhouse gas emissions so as to hold the increase in global average temperature below 2 °C above pre-industrial levels, and that Parties should take urgent action to meet this long-term goal, consistent with science and on the basis of equity; also recognizes the need to consider, in the context of the first review, as referred to in paragraph 138 below, strengthening the long-term global goal on the basis of the best available scientific knowledge, including in relation to a global average temperature rise of 1.5 °C;

5. Agrees, in the context of the long-term goal and the ultimate objective of the Convention and the Bali Action Plan, to work towards identifying a global goal for substantially reducing global emissions by 2050, and to consider it at the seventeenth session of the Conference of the Parties;

6. Also agrees that Parties should cooperate in achieving the peaking of global and national greenhouse gas emissions as soon as possible, recognizing that the time frame for peaking will be longer in developing countries, and bearing in mind that social and economic development and poverty eradication are the first and overriding priorities of developing countries and that a low-carbon development strategy is indispensable to sustainable development; in this context, further agrees to work towards identifying a time frame for global peaking of greenhouse gas emissions based on the best available scientific knowledge and equitable access to sustainable development, and to consider it at the seventeenth session of the Conference of the Parties;

7. Recognizes the need to engage a broad range of stakeholders at the global, regional, national and local levels, be they government, including subnational and local government, private business or civil society, including youth and persons with disability, and that gender equality and the effective participation of women and indigenous peoples are important for effective action on all aspects of climate change;

8. Emphasizes that Parties should, in all climate change related actions, fully respect human rights;

9. Confirms that Parties, especially developing country Parties that would have to bear a disproportionate or abnormal burden under the long-term cooperative action under the Convention, should be given full consideration;

10. Realizes that addressing climate change requires a paradigm shift towards building a low-carbon society that offers substantial opportunities and ensures continued high growth and sustainable development, based on innovative technologies and more sustainable production and consumption and lifestyles, while ensuring a just transition of the workforce that creates decent work and quality jobs;

II. Enhanced action on adaptation

11. Agrees that adaptation is a challenge faced by all Parties, and that enhanced action and international cooperation on adaptation is urgently required to enable and support the implementation of adaptation actions aimed at reducing vulnerability and building resilience in developing country Parties, taking into account the urgent and immediate needs of those developing countries that are particularly vulnerable;

12. Affirms that enhanced action on adaptation should be undertaken in accordance with the Convention, should follow a country-driven, gender-sensitive, participatory and fully transparent approach, taking into consideration vulnerable groups, communities and ecosystems, and should be based on and guided by the best available science and, as appropriate, traditional and indigenous knowledge, with a view to integrating adaptation into relevant social, economic and environmental policies and actions, where appropriate;

13. Decides to hereby establish the Cancun Adaptation Framework encompassing the provisions laid out below, with the objective of enhancing action on adaptation, including through international cooperation and coherent consideration of matters relating to adaptation under the Convention;

14. Invites all Parties to enhance action on adaptation under the Cancun Adaptation Framework, taking into account their common but differentiated responsibilities and respective capacities, and specific national and regional development priorities, objectives and circumstances, by undertaking, inter alia, the following:

(a) Planning, prioritizing and implementing adaptation actions, including projects and programmes, and actions identified in national and subnational adaptation plans and strategies, national adaptation programmes of action of the least developed countries, national communications, technology needs assessments and other relevant national planning documents;

(b) Impact, vulnerability and adaptation assessments, including assessments of financial needs as well as economic, social and environmental evaluation of adaptation options;

(c) Strengthening institutional capacities and enabling environments for adaptation, including for climate-resilient development and vulnerability reduction;
(d) Building resilience of socio-economic and ecological systems, including through economic diversification and sustainable management of natural resources;

(e) Enhancing climate change related disaster risk reduction strategies, taking into consideration the Hyogo Framework for Action,2 where appropriate, early warning systems, risk assessment and management, and sharing and transfer mechanisms such as insurance, at the local, national, subregional and regional levels, as appropriate;

(f) Measures to enhance understanding, coordination and cooperation with regard to climate change induced displacement, migration and planned relocation, where appropriate, at the national, regional and international levels;

(g) Research, development, demonstration, diffusion, deployment and transfer of technologies, practices and processes, and capacity-building for adaptation, with a view to promoting access to technologies, in particular in developing country Parties;

(h) Strengthening data, information and knowledge systems, education and public awareness;

(i) Improving climate-related research and systematic observation for climate data collection, archiving, analysis and modelling in order to provide decision makers at the national and regional levels with improved climate-related data and information;

15. \textit{Decides} to hereby establish a process to enable least developed country Parties to formulate and implement national adaptation plans, building upon their experience in preparing and implementing national adaptation programmes of action, as a means of identifying medium- and long-term adaptation needs and developing and implementing strategies and programmes to address those needs;

16. \textit{Invites} other developing country Parties to employ the modalities formulated to support the above-mentioned national adaptation plans in the elaboration of their planning effort referred to in paragraph 14 (a) above;

17. \textit{Requests} the Subsidiary Body for Implementation to elaborate modalities and guidelines for the provisions of paragraphs 15 and 16 above, for adoption by the Conference of the Parties at its seventeenth session;

18. \textit{Requests} developed country Parties to provide developing country Parties, taking into account the needs of those that are particularly vulnerable, with long-term, scaled-up, predictable, new and additional finance, technology and capacity-building, consistent with relevant provisions, to implement urgent, short-, medium- and long-term adaptation actions, plans, programmes and projects at the local, national, subregional and regional levels, in and across different economic and social sectors and ecosystems, as well as to undertake the activities referred to in paragraphs 14–16 above and paragraphs 30, 32 and 33 below;

19. \textit{Acknowledges} the need to strengthen, enhance and better utilize existing institutional arrangements and expertise under the Convention;

20. \textit{Decides} to hereby establish an Adaptation Committee to promote the implementation of enhanced action on adaptation in a coherent manner under the Convention, inter alia, through the following functions:

(a) Providing technical support and guidance to the Parties, respecting the country-driven approach, with a view to facilitating the implementation of adaptation activities, including those listed in paragraphs 14 and 15 above, where appropriate;

(b) Strengthening, consolidating and enhancing the sharing of relevant information, knowledge, experience and good practices, at the local, national, regional and international levels, taking into account, as appropriate, traditional knowledge and practices;

(c) Promoting synergy and strengthening engagement with national, regional and international organizations, centres and networks, in order to enhance the implementation of adaptation actions, in particular in developing country Parties;

(d) Providing information and recommendations, drawing on adaptation good practices, for consideration by the Conference of the Parties when providing guidance on means to incentivize the implementation of adaptation actions, including finance, technology and capacity-building and other ways to enable climate-resilient development and reduce vulnerability, including to the operating entities of the financial mechanism of the Convention, as appropriate;

(e) Considering information communicated by Parties on their monitoring and review of adaptation actions, support provided and received, possible needs and gaps and other relevant information, including information communicated under the Convention, with a view to recommending what further actions may be required, as appropriate;

21. \textit{Invites} Parties to submit to the secretariat, by 21 February 2011, views on the composition of, and modalities and procedures for, the Adaptation Committee, including on proposed linkages with other relevant institutional arrangements;

22. \textit{Requests} the secretariat to compile these submissions into a miscellaneous document, to be made available by the fourteenth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, and to prepare a synthesis report based on these submissions by the fourteenth session of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention;

23. \textit{Requests} the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, taking into account the above-mentioned submissions and synthesis report, to elaborate the composition of, and modalities and procedures for, the Adaptation Committee, for adoption by the Conference of the Parties at its seventeenth session;

24. \textit{Also requests} the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, in elaborating the above-mentioned modalities and procedures, to define, as appropriate, linkages with other relevant institutional arrangements under and outside the Convention, including at the national and regional levels;

25. \textit{Recognizes} the need to strengthen international cooperation and expertise in order to understand and reduce loss and damage associated with the adverse effects of climate change, including impacts related to extreme weather events and slow onset events;\textsuperscript{1}

26. \textit{Decides} to hereby establish a work programme in order to consider, including through workshops and expert meetings, as appropriate, approaches to address loss and damage associated with climate change impacts in developing countries that are particularly vulnerable to the adverse effects of climate change;

27. \textit{Requests} the Subsidiary Body for Implementation to agree on activities to be undertaken under the above-mentioned work programme;

28. \textit{Invites} Parties and relevant organizations to submit to the secretariat, by 21 February 2011, views and information on what elements should be included in the work programme, including the following:

\textsuperscript{1} Including sea level rise, increasing temperatures, ocean acidification, glacial retreat and related impacts, salinization, land and forest degradation, loss of biodiversity and desertification.
(a) Possible development of a climate risk insurance facility to address impacts associated with severe weather events;

(b) Options for risk management and reduction, risk sharing and transfer mechanisms such as insurance, including options for micro-insurance, and resilience-building, including through economic diversification;

(c) Approaches for addressing rehabilitation measures associated with slow onset events;

(d) Engagement of stakeholders with relevant specialized expertise;

29. Requests the secretariat to compile these submissions into a miscellaneous document and to prepare a synthesis report based on those submissions, to be made available for consideration by the Subsidiary Body for Implementation at its thirty-fourth session, and with a view to making recommendations on loss and damage to the Conference of the Parties for its consideration at its eighteenth session;

30. Invites Parties to strengthen and, where necessary, establish regional centres and networks, in particular in developing countries, with support from developed country Parties and relevant organizations, as appropriate, and to facilitate and enhance national and regional adaptation actions, in a manner that is country-driven, encourages cooperation and coordination between regional stakeholders and improves the flow of information between the Convention process and national and regional activities;

31. Notes that an international centre to enhance adaptation research and coordination could also be established in a developing country;

32. Invites all Parties to strengthen and, where necessary, establish and/or designate national-level institutional arrangements, with a view to enhancing work on the full range of adaptation actions, from planning to implementation;

33. Decides that all Parties should use existing channels to provide information, as appropriate, on support provided and received for adaptation actions in developing countries and on activities undertaken, including, inter alia, progress made, experiences, lessons learned, and challenges and gaps in the delivery of support, with a view to ensuring transparency and accountability and encouraging best practices;

34. Invites relevant multilateral, international, regional and national organizations, the public and private sectors, civil society and other relevant stakeholders to undertake and support enhanced action on adaptation at all levels, including under the Cancun Adaptation Framework, as appropriate, in a coherent and integrated manner, building on synergies among activities and processes, and to make information available on the progress made;

35. Requests the secretariat to support the implementation of the Cancun Adaptation Framework, including related institutional arrangements under the Convention, in accordance with its mandate and subject to the availability of resources;

III. Enhanced action on mitigation

A. Nationally appropriate mitigation commitments or actions by developed country Parties

Emphasizing the need for deep cuts in global greenhouse gas emissions and early and urgent undertakings to accelerate and enhance the implementation of the Convention by all Parties, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities,

Acknowledging that the largest share of historical global emissions of greenhouse gases originated in developed countries and that, owing to this historical responsibility, developed country Parties must take the lead in combating climate change and the adverse effects thereof,

36. Takes note of quantified economy-wide emission reduction targets to be implemented by Parties included in Annex I to the Convention as communicated by them and contained in document FCCC/SB/2011/INF.1 (to be issued);

37. Urges developed country Parties to increase the ambition of their economy-wide emission reduction targets, with a view to reducing their aggregate anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol to a level consistent with the Fourth Assessment Report of the Intergovernmental Panel on Climate Change;

38. Requests the secretariat to organize workshops to clarify the assumptions and the conditions related to the attainment of these targets, including the use of carbon credits from the market-based mechanisms and land use, land-use change and forestry activities, and options and ways to increase their level of ambition;

39. Also requests the secretariat to prepare a technical paper based on Parties' submissions with the aim of facilitating understanding of the assumptions and conditions related to the attainment of their emission reduction targets and a comparison of the level of emission reduction efforts;

40. Decides, building on existing reporting and review guidelines, processes and experiences, to enhance reporting in the national communications of Parties included in Annex I to the Convention on mitigation targets and on the provision of financial, technological and capacity-building support to developing country Parties as follows:

(a) Developed countries should submit annual greenhouse gas inventories and inventory reports and biennial reports on their progress in achieving emission reductions, including information on mitigation actions to achieve their quantified economy-wide emission targets and emission reductions achieved, projected emissions and the provision of financial, technology and capacity-building support to developing country Parties;

(b) Developed countries shall submit supplementary information on the achievement of quantified economy-wide emission reductions;

(c) Developed countries shall submit additional information on the achievement of quantified economy-wide emission reductions;

41. Also decides to enhance the reporting of information in national communications by Parties included in Annex I to the Convention, including the development of common reporting formats and methodology for finance, in order to ensure that information provided is complete, comparable, transparent and accurate;

42. Further decides to enhance guidelines for the review of information in national communications with respect to the following:

(a) Progress made in achieving emission reductions;

(b) Provision of financial, technology and capacity-building support to developing country Parties;

Parties' communications to the secretariat that are included in the information document are considered communications under the Convention.
43. Decides that developed countries should establish national arrangements for the estimation of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol;

44. Also decides to establish a process for international assessment of emissions and removals related to quantified economy-wide emission reduction targets under the Subsidiary Body for Implementation, taking into account national circumstances, in a rigorous, robust and transparent manner, with a view to promoting comparability and building confidence;

45. Further decides that developed countries should develop low-carbon development strategies or plans;

46. Decides on the following work programme for the development of modalities and guidelines described above, building on existing reporting and review guidelines, processes and experiences:

   (a) The revision of guidelines, as necessary, on the reporting of national communications, including the biennial report:

   (i) The provision of financing, through enhanced common reporting formats, methodologies for finance and tracking of climate-related support;

   (ii) Supplementary information on achievement of quantified economy-wide emission reduction targets;

   (iii) Information on national inventory arrangements;

   (b) The revision of guidelines for the review of national communications, including the biennial report, annual greenhouse gas inventories and national inventory systems;

   (c) The establishment of guidelines for national inventory arrangements;

   (d) Modalities and procedures for international assessment and review of emissions and removals related to quantified economy-wide emission reduction targets in accordance with paragraph 44 above, including the role of land use, land-use change and forestry, and carbon credits from market-based mechanisms, taking into account international experience;

47. Invites Parties to submit views on the items mentioned in paragraph 46 above, including with respect to the initial scheduling of the processes described in this section, by 28 March 2011;

B. Nationally appropriate mitigation actions by developing country Parties

Recognizing that developing country Parties are already contributing and will continue to contribute to a global mitigation effort in accordance with the principles and provisions of the Convention, and could enhance their mitigation actions, depending on provision of finance, technology and capacity-building support by developed country Parties,

Reaffirming that social and economic development and poverty eradication are the first and overriding priorities of developing country Parties, and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

48. Agrees that developing country Parties will take nationally appropriate mitigation actions in the context of sustainable development, supported and enabled by technology, financing and capacity-building, aimed at achieving a deviation in emissions relative to ‘business as usual’ emissions in 2020;

49. Takes note of nationally appropriate mitigation actions to be implemented by Parties not included in Annex I to the Convention as communicated by them and contained in document FCCC/AWGLCA/2011/INF.13 (to be issued);

50. Invites developing countries that wish to voluntarily inform the Conference of the Parties of their intention to implement nationally appropriate mitigation actions in association with this decision to submit information on those actions to the secretariat;

51. Requests the secretariat to organize workshops to understand the diversity of mitigation actions submitted, underlying assumptions and any support needed for the implementation of these actions, noting different national circumstances and the respective capacities of developing country Parties;

52. Decides that, in accordance with Article 4, paragraph 3, of the Convention, developed country Parties shall provide enhanced financial, technological and capacity-building support for the preparation and implementation of nationally appropriate mitigation actions of developing country Parties and for enhanced reporting by these Parties;

53. Also decides to set up a registry to record nationally appropriate mitigation actions seeking international support and to facilitate matching of finance, technology and capacity-building support for these actions;

54. Invites developing country Parties to submit to the secretariat information on nationally appropriate mitigation actions for which they are seeking support, along with estimated costs and emission reductions, and the anticipated time frame for implementation;

55. Also invites developed country Parties to submit to the secretariat information on support available and provided for nationally appropriate mitigation actions;

56. Requests the secretariat to record, and regularly update, in a separate section of the registry the information provided by Parties on:

   (a) Nationally appropriate mitigation actions seeking international support;

   (b) Support available from developed country Parties for these actions;

   (c) Support provided for nationally appropriate mitigation actions;

57. Agrees to develop modalities for the facilitation of support through the registry referred to in paragraph 55 above, including any functional relationship with the financial mechanism;

58. Decides to recognize nationally appropriate mitigation actions of developing countries in a separate section of the registry;

59. Requests the secretariat to record, and regularly update, in a separate section of the registry, information submitted by Parties on the following:

   (a) Mitigation actions contained in document FCCC/AWGLCA/2011/INF.1;

   (b) Additional mitigation actions submitted in association with paragraph 50 above;

\textsuperscript{3} Parties’ communications to the secretariat that are included in the information document are considered communications under the Convention.
60. **Decides** to enhance reporting in national communications, including inventories, from Parties not included in Annex I to the Convention on mitigation actions and their effects, and support received, with additional flexibility to be given to the least developed country Parties and small island developing States:

(a) The content and frequency of national communications from Parties not included in Annex I to the Convention will not be more onerous than that for Parties included in Annex I to the Convention;

(b) Parties not included in Annex I to the Convention should submit their national communications to the Conference of the Parties, in accordance with Article 12, paragraph 1, of the Convention, every four years or in accordance with any further decisions on frequency by the Conference of the Parties, taking into account a differentiated, timetable and the prompt provision of financial resources to cover the agreed full costs incurred by Parties not included in Annex I to the Convention in preparing their national communications;

(c) Developing countries, consistent with their capabilities and the level of support provided for reporting, should also submit biennial update reports containing updates of national greenhouse gas inventories, including a national inventory report and information on mitigation actions, needs and support received;  

61. **Also decides** that internationally supported mitigation actions will be measured, reported and verified domestically and will be subject to international measurement, reporting and verification in accordance with guidelines to be developed under the Convention;

62. **Further decides** that domestically supported mitigation actions will be measured, reported and verified domestically in accordance with general guidelines to be developed under the Convention;

63. **Decides** to conduct international consultations and analysis of biennial reports under the Subsidiary Body for Implementation, in a manner that is non-intrusive, non-punitive and respectful of national sovereignty; the international consultations and analysis will aim to increase transparency of mitigation actions and their effects, through analysis by technical experts in consultation with the Party concerned and through a facilitative sharing of views, and will result in a summary report;

64. **Also decides** that information considered should include the national greenhouse gas inventory report, information on mitigation actions, including a description, analysis of the impacts and associated methodologies and assumptions, progress in implementation and information on domestic measurement, reporting and verification, and support received; discussion about the appropriateness of such domestic policies and measures is not part of the process; discussions should be intended to provide transparency of information related to unsupported actions;

65. **Encourages** developing countries to develop low-carbon development strategies or plans in the context of sustainable development;

66. **Agrees** on a work programme for the development of modalities and guidelines for: facilitation of support to nationally appropriate mitigation actions through a registry; measurement, reporting and verification of supported actions and corresponding support; biennial reports as part of national communications from Parties not included in Annex I to the Convention; domestic verification of mitigation actions undertaken with domestic resources; and international consultations and analysis;

67. **Invites** Parties to submit views on the items mentioned in paragraph 66 above, including with respect to the initial scheduling of the processes described in this section, by 28 March 2011;

**C. Policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries**

**Affirming** that, in the context of the provision of adequate and predictable support to developing country Parties, Parties should collectively aim to slow, halt and reverse forest cover and carbon loss, in accordance with national circumstances, consistent with the ultimate objective of the Convention, as stated in Article 2,

**Also affirming** the need to promote broad country participation in all phases described in paragraph 73 below, including through the provision of support that takes into account existing capacities,

68. **Encourages** all Parties to find effective ways to reduce the human pressure on forests that results in greenhouse gas emissions, including actions to address drivers of deforestation;

69. **Affirms** that the implementation of the activities referred to in paragraph 70 below should be carried out in accordance with appendix I to this decision, and that the safeguards referred to in paragraph 2 of appendix I to this decision should be promoted and supported;

70. **Encourages** developing country Parties to contribute to mitigation actions in the forest sector by undertaking the following activities, as deemed appropriate by each Party and in accordance with their respective capabilities and national circumstances:

(a) Reducing emissions from deforestation;

(b) Reducing emissions from forest degradation;

(c) Conservation of forest carbon stocks;

(d) Sustainable management of forests;

(e) Enhancement of forest carbon stocks;

71. **Requests** developing country Parties aiming to undertake the activities referred to in paragraph 70 above, in the context of the provision of adequate and predictable support, including financial resources and technical and technological support to developing country Parties, in accordance with national circumstances and respective capabilities, to develop the following elements:

(a) A national strategy or action plan;

(b) A national forest reference emission level and/or forest reference level7 or, if appropriate, as an interim measure, subnational forest reference emission levels and/or forest reference levels, in accordance with national circumstances, and with provisions contained in decision 4/CP.15, and with any further elaboration of those provisions adopted by the Conference of the Parties;

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7 In accordance with national circumstances, national forest reference emission levels and/or forest reference levels could be a combination of subnational forest reference emissions levels and/or forest reference levels.
A robust and transparent national forest monitoring system for the monitoring and reporting of the activities referred to in paragraph 70 above, with, if appropriate, subnational monitoring and reporting as an interim measure, in accordance with national circumstances, and with the provisions contained in decision 4/CP.15, and with any further elaboration of those provisions agreed by the Conference of the Parties;

A system for providing information on how the safeguards referred to in appendix I to this decision are being addressed and respected throughout the implementation of the activities referred to in paragraph 70 above, while respecting sovereignty;

Also requests developing country Parties, when developing and implementing their national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities;

Decides that the activities undertaken by Parties referred to in paragraph 70 above should be implemented in phases, beginning with the development of national strategies or action plans, policies and measures, and capacity-building, followed by the implementation of national policies and measures and national strategies or action plans that could involve further capacity-building, technology development and transfer and results-based demonstration activities, and evolving into results-based actions that should be fully measured, reported and verified;

Recognizes that the implementation of the activities referred to in paragraph 70 above, including the choice of a starting phase as referred to in paragraph 73 above, depends on the specific national circumstances, capacities and capabilities of each developing country Party and the level of support received;

Requests the Subsidiary Body for Scientific and Technological Advice to develop a work programme on the matters referred to in appendix II to this decision;

Urges Parties, in particular developed country Parties, to support, through multilateral and bilateral channels, the development of national strategies or action plans, policies and measures and capacity-building, followed by the implementation of national policies and measures and national strategies or action plans that could involve further capacity-building, technology development and transfer and results-based demonstration activities, including consideration of the safeguards referred to in paragraph 2 of appendix I to this decision, taking into account the relevant provisions on finance including those relating to reporting on support;

Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to explore financing options for the full implementation of the results-based actions referred to in paragraph 73 above and to report on progress made, including any recommendations for draft decisions on this matter, to the Conference of the Parties at its seventeenth session;

Also requests Parties to ensure coordination of the activities referred to in paragraph 70 above, including of the related support, particularly at the national level;

72. Also requests developing country Parties, when developing and implementing their national strategies or action plans, to address, inter alia, the drivers of deforestation and forest degradation, land tenure issues, forest governance issues, gender considerations and the safeguards identified in paragraph 2 of appendix I to this decision, ensuring the full and effective participation of relevant stakeholders, inter alia indigenous peoples and local communities;

73. Decides that the activities undertaken by Parties referred to in paragraph 70 above should be implemented in phases, beginning with the development of national strategies or action plans, policies and measures, and capacity-building, followed by the implementation of national policies and measures and national strategies or action plans that could involve further capacity-building, technology development and transfer and results-based demonstration activities, and evolving into results-based actions that should be fully measured, reported and verified;

74. Recognizes that the implementation of the activities referred to in paragraph 70 above, including the choice of a starting phase as referred to in paragraph 73 above, depends on the specific national circumstances, capacities and capabilities of each developing country Party and the level of support received;

75. Requests the Subsidiary Body for Scientific and Technological Advice to develop a work programme on the matters referred to in appendix II to this decision;

76. Urges Parties, in particular developed country Parties, to support, through multilateral and bilateral channels, the development of national strategies or action plans, policies and measures and capacity-building, followed by the implementation of national policies and measures and national strategies or action plans that could involve further capacity-building, technology development and transfer and results-based demonstration activities, including consideration of the safeguards referred to in paragraph 2 of appendix I to this decision, taking into account the relevant provisions on finance including those relating to reporting on support;

77. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to explore financing options for the full implementation of the results-based actions referred to in paragraph 73 above and to report on progress made, including any recommendations for draft decisions on this matter, to the Conference of the Parties at its seventeenth session;

78. Also requests Parties to ensure coordination of the activities referred to in paragraph 70 above, including of the related support, particularly at the national level;

79. Invites relevant international organizations and stakeholders to contribute to the activities referred to in paragraphs 70 and 78 above;

D. Various approaches, including opportunities for using markets, to enhance the cost-effectiveness of, and to promote, mitigation actions, bearing in mind different circumstances of developed and developing countries

Acknowledging the need to maintain consistency with the principles of the Convention,

Emphasizing the importance of contributing to sustainable development, including through technology transfer and other co-benefits,

Recognizing the importance of enhancing sustainable lifestyles and patterns of production and consumption,

Aware of the need to provide incentives in support of low-emission development strategies,

80. Decides to consider the establishment, at the seventeenth session of the Conference of the Parties, of one or more market-based mechanisms to enhance the cost-effectiveness of, and to promote, mitigation actions, taking into account the following:

(a) Ensuring voluntary participation of Parties, supported by the promotion of fair and equitable access for all Parties;

(b) Complementing other means of support for nationally appropriate mitigation actions by developing country Parties;

(c) Stimulating mitigation across broad segments of the economy;

(d) Safeguarding environmental integrity;

(e) Ensuring a net decrease and/or avoidance of global greenhouse gas emissions;

(f) Assisting developed country Parties to meet part of their mitigation targets, while ensuring that the use of such a mechanism or mechanisms is supplemental to domestic mitigation efforts;

(g) Ensuring good governance and robust market functioning and regulation;

81. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to elaborate the mechanism or mechanisms referred to in paragraph 80 above, with a view to recommending a draft decision or decisions to the Conference of the Parties for consideration at its seventeenth session;

82. Invites Parties and accredited observer organizations to submit to the secretariat, by 21 February 2011, their views on the matters referred to in paragraph 81 above;

83. Undertakes, in developing and implementing the mechanism or mechanisms referred to in paragraph 80 above, to maintain and build upon existing mechanisms, including those established under the Kyoto Protocol;

84. Decides to consider the establishment, at the seventeenth session of the Conference of the Parties, of one or more non-market-based mechanisms to enhance the cost-effectiveness of, and to promote, mitigation actions;

7 Including monitoring and reporting of emissions displacement at the national level, if appropriate, and reporting on how displacement of emissions is being addressed, and on the means to integrate subnational monitoring systems into a national monitoring system.

8 These actions require national monitoring systems.
85. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to elaborate the mechanism or mechanisms referred to in paragraph 84 above, with a view to recommending a draft decision or decisions to the Conference of the Parties for consideration at its seventeenth session;

86. Invites Parties and accredited observer organizations to submit to the secretariat, by 21 February 2011, their views on the matters referred to in paragraph 85 above;

87. Also invites Parties and accredited observer organizations to submit to the secretariat, by 21 February 2011, information on the evaluation of various approaches in enhancing the cost-effectiveness of, and promoting, mitigation actions, including activities implemented jointly under Article 4, paragraph 2(a), of the Convention and any other relevant activities, for synthesis by the secretariat;

E. Economic and social consequences of response measures

Reaffirming the importance of the objective of the Convention, and the relevant principles and provisions of the Convention related to economic and social consequences of response measures, in particular its Articles 2, 3 and 4,

Recognizing that the implementation of response measures to mitigate climate change taken by a Party may result in negative economic and social consequences for other Parties, and the need to 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 impact of the implementation of measures to respond to climate change, referred to in Article 4, paragraphs 8, 9 and 10, of the Convention,

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 fully into account the legitimate priority needs of developing country Parties for the achievement of sustained economic growth and the eradication of poverty, and the consequences for vulnerable groups, in particular women and children,

Recognizing the importance of avoiding or minimizing negative impacts of response measures on social and economic sectors, promoting a just transition of the workforce, the creation of decent work and quality jobs in accordance with nationally defined development priorities and strategies, and contributing to building new capacity for both production and service-related jobs in all sectors, promoting economic growth and sustainable development,

Taking note of relevant provisions of the United Nations Declaration on the Rights of Indigenous Peoples,

88. Urges Parties, in the implementation of measures to mitigate climate change, to take into consideration the economic and social impacts of response measures and the needs of Parties, in particular developing country Parties, impacted by response measures, consistent with relevant provisions of the Convention;

89. Also urges developed country Parties to strive to implement policies and measures to respond to climate change in such a way as to avoid negative social and economic consequences for developing country Parties, taking into account Article 3 of the Convention, and to assist these Parties to address such consequences by providing support, including financial resources, transfer of technology and capacity-building, in accordance with Article 4 of the Convention, to build up the resilience of societies and economies negatively affected by response measures;

90. Reaffirms that 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;

91. Agrees that information relating to response measures should be considered in a structured manner in order to enhance the implementation of Article 4, paragraph 1(g) and (h), of the Convention, recognizing the needs of developing country Parties identified in Article 4, paragraphs 8, 9 and 10;

92. Decides that Parties should cooperate fully to enhance understanding of the economic and social consequences of response measures, taking into account the need for information from those affected, and evidence of actual impacts, and of both positive and negative effects; and further decides to consider how existing channels, such as national communications, including the possible submission of supplementary information, as considered by the Subsidiary Body for Implementation, could be improved and built upon;

93. Further decides to provide a forum on the impact of the implementation of response measures, and to that end requests the Chairs of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation to convene such a forum at the thirty-fourth and thirty-fifth sessions of these bodies, with the objective of developing a work programme under the subsidiary bodies to address these impacts, with a view to adopting, at the seventeenth session of the Conference of the Parties, modalities for the operationalization of the work programme and a possible forum on response measures;

94. Invites Parties and relevant intergovernmental organizations to submit to the secretariat, by 28 March 2011, their views on the issues referred to in paragraph 93 above for consideration by the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation at their thirty-fourth sessions;

IV. Finance, technology and capacity-building

A. Finance

95. Takes note of the collective commitment by developed countries to provide new and additional resources, including forestry and investments through international institutions, approaching USD 30 billion for the period 2010–2012, with a balanced allocation between adaptation and mitigation; funding for adaptation will be prioritized for the most vulnerable developing countries, such as the least developed countries, small island developing States and Africa;

96. Invites, in order to enhance transparency, developed country Parties to submit to the secretariat for compilation into an information document, by May 2011, 2012 and 2013, information on the resources provided to fulfil the commitment referred to in paragraph 95 above, including ways in which developing country Parties access these resources;

97. Decides that, in accordance with the relevant provisions of the Convention, scaled-up, new and additional, predictable and adequate funding shall be provided to developing country Parties, taking into account the urgent and immediate needs of developing countries that are particularly vulnerable to the adverse effects of climate change;
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98. Recognizes

(a) Seven members from Africa;
(b) Seven members from Asia;
(c) Seven members from the Group of Latin America and the Caribbean;
(d) Two members from small island developing States;
(e) Two members from the least developed countries;
(f) One member from developed country Parties;
(g) Two members from Group of Global South countries;
(h) One member from Group of 77 countries and China;
(i) One member from the European Union.

99. Agrees

that, in accordance with paragraph 1(e) of the Bali Action Plan, funds provided to developing country Parties may come from a wide variety of sources, public and private, bilateral and multilateral, including alternative sources:

(i) domestic sources;
(ii) official development assistance;
(iii) multilateral funds;
(iv) private sources;
(v) contributions from developed country Parties.

100. Decides

that a significant share of new multilateral funding for adaptation should flow through the Green Climate Fund, referred to in paragraph 102 below:

(a) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(b) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(c) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(d) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(e) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(f) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(g) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(h) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(i) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(j) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(k) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(l) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(m) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(n) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(o) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(p) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(q) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(r) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(s) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(t) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(u) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(v) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(w) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(x) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(y) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
(z) To be used to support projects, programmes, policies, including, support for the development and transfer of technologies;
this decision as technology development and transfer) in support of action on mitigation and adaptation;

116. Encourages Parties, in the context of Article 4, paragraphs 1(c) and 5, of the Convention and consistent with their respective capabilities and national circumstances and priorities, to undertake domestic actions identified through country-driven approaches, to engage in bilateral and multilateral cooperative activities on technology development and transfer and to increase private and public research, development and demonstration in relation to technologies for mitigation and adaptation;

117. Decides to establish a Technology Mechanism to facilitate the implementation of actions for achieving the objective referred to in paragraphs 113–115 above, under the guidance of and accountable to the Conference of the Parties, which will consist of the following components:

(a) A Technology Executive Committee, to undertake the functions contained in paragraph 121 below;
(b) A Climate Technology Centre and Network, to undertake the functions contained in paragraph 123 below;

118. Also decides that the Technology Executive Committee and the Climate Technology Centre and Network, consistent with their respective functions, should facilitate the effective implementation of the Technology Mechanism, under the guidance of the Conference of the Parties;

119. Further decides that the Technology Executive Committee shall further implement the framework for meaningful and effective actions to enhance the implementation of Article 4, paragraph 5, of the Convention adopted by decision 4/CP.7 and enhanced by decision 3/CP.13;

120. Decides that priority areas that could be considered under the Convention may include:

(a) Development and enhancement of the endogenous capacities and technologies of developing country Parties, including cooperative research, development and demonstration programmes;
(b) Deployment and diffusion of environmentally sound technologies and know-how in developing country Parties;
(c) Increased public and private investment in technology development, deployment, diffusion and transfer;
(d) Deployment of soft and hard technologies for the implementation of adaptation and mitigation actions;
(e) Improved climate change observation systems and related information management;
(f) Strengthening of national systems of innovation and technology innovation centres;
(g) Development and implementation of national technology plans for mitigation and adaptation;

121. Also decides that the functions of the Technology Executive Committee shall be to:

(a) Provide an overview of technological needs and analysis of policy and technical issues related to the development and transfer of technologies for mitigation and adaptation;
(b) Consider and recommend actions to promote technology development and transfer, in order to accelerate action on mitigation and adaptation;
(c) Recommend guidance on policies and programme priorities related to technology development and transfer with special consideration given to the least developed country Parties;
(d) Promote and facilitate collaboration on the development and transfer of technologies for mitigation and adaptation between governments, the private sector, non-profit organizations and academic and research communities;
(e) Recommend actions to address the barriers to technology development and transfer in order to enable enhanced action on mitigation and adaptation;
(f) Seek cooperation with relevant international technology initiatives, stakeholders and organizations, and promote coherence and cooperation across technology activities, including activities under and outside of the Convention;
(g) Catalyse the development and use of technology road maps or action plans at the international, regional and national levels through cooperation between relevant stakeholders, particularly governments and relevant organizations or bodies, including the development of best practice guidelines as facilitative tools for action on mitigation and adaptation;

122. Further decides that the Technology Executive Committee shall have the mandate and composition as contained in appendix IV to this decision;

123. Decides that the Climate Technology Centre shall facilitate a network of national, regional, sectoral and international technology networks, organizations and initiatives with a view to engaging the participants of the Network effectively in the following functions:

(a) At the request of a developing country Party:
(i) Providing advice and support related to the identification of technology needs and the implementation of environmentally sound technologies, practices and processes;
(ii) Facilitating the provision of information, training and support for programmes to build or strengthen capacity of developing countries to identify technology options, make technology choices and operate, maintain and adapt technology;
(iii) Facilitating prompt action on the deployment of existing technology in developing country Parties based on identified needs;
(b) Stimulating and encouraging, through collaboration with the private sector, public institutions, academia and research institutions, the development and transfer of existing and emerging environmentally sound technologies, as well as opportunities for North-South, South-South and triangular technology cooperation;
(c) Facilitating a network of national, regional, sectoral and international technology centres, networks, organization and initiatives with a view to:
(i) Enhancing cooperation with national, regional and international technology centres and relevant national institutions;
(ii) Facilitating international partnerships among public and private stakeholders to accelerate the innovation and diffusion of environmentally sound technologies to developing country Parties;
(iii) Providing, at the request of a developing country Party, in-country technical assistance and training to support identified technology actions in developing country Parties;

(iv) Stimulating the establishment of twinning centre arrangements to promote North-South, South-South and triangular partnerships, with a view to encouraging cooperative research and development;

(v) Identifying, disseminating and assisting with developing analytical tools, policies and best practices for country-driven planning to support the dissemination of environmentally sound technologies;

(d) Performing other such activities as may be necessary to carry out its functions;

124. Also decides to terminate the mandate of the Expert Group on Technology Transfer at the conclusion of the sixteenth session of the Conference of the Parties;

125. Further decides that the Technology Executive Committee shall convene its first meeting as soon as practicable following the election of its members and shall elaborate its modalities and procedures taking into account the need to achieve coherence and maintain interactions with other relevant institutional arrangements under and outside of the Convention, for consideration by the Conference of the Parties at its seventeenth session;

126. Decides that the Technology Executive Committee and the Climate Technology Centre and Network shall report, on an interim basis9 and without prejudice to the relationship between the Technology Executive Committee and the Climate Technology Centre and Network as referred to in paragraph 128 (a) below to the Conference of the Parties, through the subsidiary bodies, on their respective activities and the performance of their respective functions;

127. Also decides that the Climate Technology Centre and Network and the Technology Executive Committee shall relate so as to promote coherence and synergy;

Work programme for the Ad Hoc Working Group on Long-term Cooperative Action under the Convention in 2011 on technology development and transfer

128. Underlines the importance of continued dialogue among Parties in 2011 through the Ad Hoc Working Group on Long-term Cooperative Action under the Convention, including on the following matters, with a view to the Conference of the Parties taking a decision at its seventeenth session, in order to make the Technology Mechanism fully operational in 2012:

(a) The relationship between the Technology Executive Committee and the Climate Technology Centre and Network, and their reporting lines;

(b) The governance structure and terms of reference for the Climate Technology Centre and Network and how the Climate Technology Centre will relate to the Network, drawing upon the results of the workshop referred to in paragraph 129 below;

(c) The procedure for calls for proposals and the criteria to be used to evaluate and select the host of the Climate Technology Centre and Network;

(d) The potential links between the Technology Mechanism and the financial mechanism;

(e) Consideration of additional functions for the Technology Executive Committee and the Climate Technology Centre and Network;

129. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to convene an expert workshop, in conjunction with one of its sessions in 2011, on the matters contained in paragraph 128 above, drawing upon the preliminary work undertaken by the Expert Group on Technology Transfer, and to report on the results of this workshop at that session;

C. Capacity-building

Reaffirming that capacity-building is essential to enable developing country Parties to participate fully in addressing the challenges of climate change, and to implement effectively their commitments under the Convention,

Recalling the provisions related to capacity-building for developing country Parties contained in relevant decisions adopted by the Conference of the Parties, especially decision 2/CP.7,

Taking into account that the scope of capacity-building and related needs as contained in the annex to decision 2/CP.7 and the key factors identified in decision 2/CP.10 remain valid,

Acknowledging that capacity-building is cross-cutting in nature and an integral part of enhanced action on mitigation, adaptation, technology development and transfer, and access to financial resources,

Also acknowledging that, in addition, there may be specific capacity-building activities that require support to enable developing countries to undertake the enhanced implementation of the Convention,

Reaffirming that capacity-building should be a continuous, progressive and iterative process that is participatory, country-driven and consistent with national priorities and circumstances,

130. Decides that capacity-building support to developing country Parties should be enhanced with a view to strengthening endogenous capacities at the subnational, national or regional levels, as appropriate, taking into account gender aspects, to contribute to the achievement of the full, effective and sustained implementation of the Convention, by, inter alia:

(a) Strengthening relevant institutions at various levels, including focal points and national coordinating bodies and organizations;

(b) Strengthening networks for the generation, sharing and management of information and knowledge, including through North–South, South–South and triangular cooperation;

(c) Strengthening climate change communication, education, training and public awareness at all levels;

(d) Strengthening integrated approaches and the participation of various stakeholders in relevant social, economic and environmental policies and actions;

(e) Supporting existing and emerging capacity-building needs identified in the areas of mitigation, adaptation, technology development and transfer, and access to financial resources;

131. Also decides that financial resources for enhanced action on capacity-building in developing country Parties should be provided by Parties included in Annex II to the Convention and other Parties in a position to do so through the current and any future

9 Until there is a decision on the issues contained in paragraph 128 (a) below.
operating entities of the financial mechanism, as well as through various bilateral, regional and other multilateral channels, as appropriate;

132. Encourages developed country Parties to continue to report through their national communications, in accordance with the “Guidelines for the preparation of national communications by Parties included in Annex I to the Convention, Part II: UNFCCC reporting guidelines on national communications”, on the support they have provided for capacity-building in developing country Parties;

133. Invites developed country Parties in a position to do so to provide information, through annual submissions to the secretariat and other appropriate channels, on the support they have provided for capacity-building in developing country Parties;

134. Encourages developing country Parties to continue to report through their national communications, in accordance with the “Guidelines for the preparation of national communications from Parties not included in Annex I to the Convention”, on progress made in enhancing their capacity to address climate change, including on the use of the support received;

135. Invites developing country Parties in a position to do so to provide information, through annual submissions to the secretariat and other appropriate channels, on progress made in enhancing their capacity to address climate change, including on the use of the support received;

136. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to consider ways to further enhance the monitoring and review of the effectiveness of capacity-building, for consideration by the Conference of the Parties at its seventeenth session;

137. Also requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to further elaborate the modalities regarding institutional arrangements for capacity-building, for consideration by the Conference of the Parties at its seventeenth session;

V. Review

138. Decides to periodically review the adequacy of the long-term global goal referred to in paragraph 4 above, in the light of the ultimate objective of the Convention, and overall progress towards achieving it, in accordance with the relevant principles and provisions of the Convention;

139. Also decides that:

(a) This review should be guided by the principles of equity, and common but differentiated responsibilities and respective capabilities and take into account, inter alia:

(i) The best available scientific knowledge, including the assessment reports of the Intergovernmental Panel on Climate Change;

(ii) Observed impacts of climate change;

(iii) An assessment of the overall aggregated effect of the steps taken by Parties in order to achieve the ultimate objective of the Convention;

(iv) Consideration of strengthening the long-term global goal, referencing various matters presented by the science, including in relation to temperature rises of 1.5 °C;

(b) The first review should start in 2013 and should be concluded by 2015;

(c) The Conference of the Parties shall take appropriate action based on the review;

140. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to further define the scope of this review and develop its modalities, including the required inputs, with a view to their adoption by the Conference of the Parties at its seventeenth session;

VI. Other matters

Parties included in Annex I to the Convention undergoing the process of transition to a market economy

Recalling Article 4, paragraph 6, of the Convention and relevant decisions of the Conference of the Parties, especially decisions 3/CP.7 and 3/CP.13 relating to Parties included in Annex I to the Convention undergoing the process of transition to a market economy,

Noting that Parties included in Annex I to the Convention undergoing the process of transition to a market economy are not included in Annex II to the Convention and as such are not subject to the provision of Article 4, paragraphs 3 and 4, of the Convention,

Recalling that Article 4, paragraph 6, of the Convention provides that a certain degree of flexibility shall be allowed by the Conference of the Parties to Parties included in Annex I to the Convention undergoing the process of transition to a market economy,

Taking note of the submissions from Parties contained in document FCCC/AWGLCA/2010/MISC.6/Add.2,

141. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to continue consideration of these issues with a view to promoting access by Parties included in Annex I to the Convention undergoing the process of transition to a market economy to technology, capacity-building and finance in order to enhance their ability to develop low-emission economies;

Parties included in Annex I to the Convention whose special circumstances are recognized by the Conference of the Parties

Recalling decision 26/CP.7 that amended the list in Annex II to the Convention by deleting the name of Turkey,

Recalling decision 26/CP.7 that invited Parties to recognize the special circumstances of Turkey, which place Turkey in a situation different from that of other Parties included in Annex I to the Convention,

Recognizing that Turkey is in a situation different from that of other Parties included in Annex I to the Convention,

Noting that Turkey is not included in Annex II to the Convention and as such is not subject to the commitments of Article 4, paragraphs 3–5, of the Convention and that Turkey is eligible for support under Article 4, paragraph 5, of the Convention,

Taking note of the submission from Turkey contained in document FCCC/AWGLCA/2010/MISC.8,

142. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to continue consideration of these issues with a view to promoting access by Turkey to finance, technology and capacity-building in order to enhance its ability to better implement the Convention;
VII. Extension of the Ad Hoc Working Group on Long-term Cooperative Action under the Convention

143. Decides to extend the Ad Hoc Working Group on Long-term Cooperative Action under the Convention for one year, in order for it to continue its work with a view to carrying out the undertakings contained in this decision and present the results to the Conference of the Parties for consideration at its seventeenth session;

144. Requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to continue its work drawing on the documents under its consideration;

145. Also requests the Ad Hoc Working Group on Long-term Cooperative Action under the Convention to continue discussing legal options with the aim of completing an agreed outcome based on decision 1/CP.13 (Bali Action Plan), the work done at the sixteenth session of the Conference of the Parties and proposals made by Parties under Article 17 of the Convention;

146. Further requests the secretariat to make the necessary arrangements in accordance with any guidance from the Bureau of the Conference of the Parties;

147. Mandates the host country of the next session of the Conference of the Parties to undertake inclusive and transparent consultations in order to facilitate the work towards the success of that session.

Appendix I

Guidance and safeguards for policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries

1. The activities referred to in paragraph 70 of this decision should:
   (a) Contribute to the achievement of the objective set out in Article 2 of the Convention;
   (b) Contribute to the fulfilment of the commitments set out in Article 4, paragraph 3, of the Convention;
   (c) Be country-driven and be considered options available to Parties;
   (d) Be consistent with the objective of environmental integrity and take into account the multiple functions of forests and other ecosystems;
   (e) Be undertaken in accordance with national development priorities, objectives and circumstances and capabilities and should respect sovereignty;
   (f) Be consistent with Parties' national sustainable development needs and goals;
   (g) Be implemented in the context of sustainable development and reducing poverty, while responding to climate change;
   (h) Be consistent with the adaptation needs of the country;
   (i) Be supported by adequate and predictable financial and technology support, including support for capacity-building;
   (j) Be results-based;
   (k) Promote sustainable management of forests;

2. When undertaking the activities referred to in paragraph 70 of this decision, the following safeguards should be promoted and supported:
   (a) That actions complement or are consistent with the objectives of national forest programmes and relevant international conventions and agreements;
   (b) Transparent and effective national forest governance structures, taking into account national legislation and sovereignty;
   (c) Respect for the knowledge and rights of indigenous peoples and members of local communities, by taking into account relevant international obligations, national circumstances and laws, and noting that the United Nations General Assembly has adopted the United Nations Declaration on the Rights of Indigenous Peoples;
   (d) The full and effective participation of relevant stakeholders, in particular indigenous peoples and local communities, in the actions referred to in paragraphs 70 and 72 of this decision;
   (e) That actions are consistent with the conservation of natural forests and biological diversity, ensuring that the actions referred to in paragraph 70 of this decision are not used for the conversion of natural forests, but are instead used to incentivize the
protection and conservation of natural forests and their ecosystem services, and to enhance other social and environmental benefits;\(^1\)

(f) Actions to address the risks of reversals;

(g) Actions to reduce displacement of emissions.

\(^1\) Taking into account the need for sustainable livelihoods of indigenous peoples and local communities and their interdependence on forests in most countries, reflected in the United Nations Declaration on the Rights of Indigenous Peoples, as well as the International Mother Earth Day.

Appendix II

Work programme of the Subsidiary Body for Scientific and Technological Advice on policy approaches and positive incentives on issues relating to reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries

In the development of its work programme, the Subsidiary Body for Scientific and Technological Advice is requested to:

(a) Identify land use, land-use change and forestry activities in developing countries, in particular those that are linked to the drivers of deforestation and forest degradation, identify the associated methodological issues to estimate emissions and removals resulting from these activities, and assess the potential contribution of these activities to the mitigation of climate change, and report on the findings and outcomes of this work to the Conference of the Parties (COP) at its eighteenth session on the outcomes of the work referred to in this paragraph;

(b) Develop modalities relating to paragraphs 71 (b) and (c) and guidance relating to paragraph 71 (d) of this decision, for consideration by the COP at its seventeenth session;

(c) Develop, as necessary, modalities for measuring, reporting and verifying anthropogenic forest-related emissions by sources and removals by sinks, forest carbon stocks, and forest carbon stock and forest area changes resulting from the implementation of the activities referred to in paragraph 70 of this decision, consistent with any guidance on measuring, reporting and verifying nationally appropriate mitigation actions by developing country Parties agreed by the COP, taking into account methodological guidance in accordance with decision 4/CP.15, for consideration by the COP at its seventeenth session.
Appendix III

Terms of reference for the design of the Green Climate Fund

1. The Transitional Committee shall develop and recommend to the Conference of the Parties for its approval at its seventeenth session operational documents that address, inter alia:
   (a) The legal and institutional arrangements for the establishment and operationalization of the Green Climate Fund;
   (b) The rules of procedure of the Green Climate Fund Board and other governance issues related to the Board;
   (c) Methods to manage the large scale of financial resources from a number of sources and deliver through a variety of financial instruments, funding windows and access modalities, including direct access, with the objective of achieving a balanced allocation between adaptation and mitigation;
   (d) The financial instruments that the Fund can use to achieve its priorities;
   (e) Methods to enhance complementarity between the Fund’s activities and those of other bilateral, regional and multilateral funding mechanisms and institutions;
   (f) The role of the Fund’s secretariat and the procedure for selecting and/or establishing the secretariat;
   (g) A mechanism to ensure periodic independent evaluation of the Fund’s performance;
   (h) Mechanisms to ensure financial accountability and to evaluate the performance of activities supported by the Fund, in order to ensure the application of environmental and social safeguards as well as internationally accepted fiduciary standards and sound financial management to the Fund’s activities;
   (i) Mechanisms to ensure the provision of appropriate expert and technical advice, including from relevant thematic bodies established under the Convention;
   (j) Mechanisms to ensure stakeholder input and participation.

2. In the conduct of its work, the Transitional Committee shall:
   (a) Convene its first meeting by March 2011;
   (b) Encourage input from all Parties and from relevant international organizations and observers;
   (c) Take into account the findings contained in relevant reports.

Appendix IV

Composition and mandate of the Technology Executive Committee

1. The Technology Executive Committee shall comprise 20 expert members, elected by the Conference of the Parties (COP), serving in their personal capacity and nominated by Parties with the aim of achieving a fair and balanced representation, as follows:
   (a) Nine members from Parties included in Annex I to the Convention (Annex I Parties);
   (b) Three members from each of the three regions of the Parties not included in Annex I to the Convention (non-Annex I Parties), namely Africa, Asia and the Pacific, and Latin America and the Caribbean, one member from a small island developing State and one member from a least developed country Party.

2. Decisions will be taken according to the rule of consensus.

3. Parties are encouraged to nominate senior experts to the Technology Executive Committee, with a view to achieving, within the membership, an appropriate balance of technical, legal, policy, social development and financial expertise relevant to the development and transfer of technology for adaptation and mitigation, taking into account the need to achieve gender balance in accordance with decision 36/CP.7.

4. Members shall serve for a term of two years and shall be eligible to serve a maximum of two consecutive terms of office. The following rules shall apply:
   (a) Half of the members shall be elected initially for a term of three years and half of the members shall be elected for a term of two years;
   (b) Thereafter, the COP shall elect every year a member for a term of two years;
   (c) The members shall remain in office until their successors are elected.

5. The Technology Executive Committee shall elect annually a chair and a vice-chair from among its members for a term of one year each, with one being a member from an Annex I Party and the other being a member from a non-Annex I Party. The positions of chair and vice-chair shall alternate annually between a member from an Annex I Party and a member from a non-Annex I Party.

6. If the chair is temporarily unable to fulfill the obligations of the office, the vice-chair shall serve as chair. In the absence of the chair and vice-chair at a particular meeting, any other member designated by the Technology Executive Committee shall temporarily serve as the chair of that meeting.

7. If the chair or vice-chair is unable to complete the term of office, the Technology Executive Committee shall elect a replacement to complete the term of office, taking into account paragraph 5 above.

8. If a member of the Technology Executive Committee resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the Technology Executive Committee may decide, bearing in mind the proximity of the next session of the COP, to appoint another member from the same constituency to replace said member for the remainder of that member’s mandate, in which case the appointment shall count as one term.

9. The Technology Executive Committee, in performing its functions, should draw upon outside expertise, including the UNFCCC roster of experts and the Climate
Technology Centre and Network, to provide advice, including as expert advisers at its meetings.

10. The Technology Executive Committee should seek input from intergovernmental and international organizations and the private sector and may seek input from civil society in undertaking its work. It may invite advisers drawn from relevant intergovernmental and international organizations as well as the private sector and civil society to participate in its meetings as expert advisers on specific issues as they arise.

11. The meetings of the Technology Executive Committee shall be open to attendance by accredited observer organizations, except where otherwise decided by the Technology Executive Committee.

12. The secretariat shall support and facilitate the work of the Technology Executive Committee.

9th plenary meeting
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New York, 2005

No. 39973

Multilateral


Entry into force: 24 February 2004 in accordance with article 26 which reads as follows: “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 this 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 purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.” (see following page)

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish

Registration with the Secretariat of the United Nations: ex officio, 24 February 2004

Multilatéral

Convention de Rotterdam sur la procédure de consentement préalable en connaissance de cause applicable dans le cas de certains produits chimiques et pesticides dangereux qui font l’objet du commerce international (avec annexes). Rotterdam, 10 septembre 1998

Entrée en vigueur: 24 février 2004 conformément à l’article 26 qui se lit comme suit : “1. La Convention entrera en vigueur le quatre-vingt-dixième jour suivant la date du dépôt du cinquantième instrument de ratification, d’acceptation, d’approbation ou d’adhésion. 2. À l’égard de chaque État ou organisation régionale d’intégration économique qui ratifie, accepte ou approuve la Convention, ou y adhère, après le dépôt du cinquantième instrument de ratification, d’acceptation, d’approbation ou d’adhésion, la Convention entrera en vigueur le quatre-vingt-dixième jour suivant la date du dépôt, par ledit État ou ladite organisation, de son instrument de ratification, d’acceptation, d’approbation ou d’adhésion. 3. Aux fins des paragraphes 1 et 2, tout instrument déposé par une organisation régionale d’intégration économique n’est pas considéré comme venant s’ajouter aux instruments déjà déposés par les États membres de ladite organisation.” (voir la page suivante)

Textes authentiques: arabe, chinois, anglais, français, russe et espagnol

ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE

The Parties to this Convention,

Aware of the harmful impact on human health and the environment from certain hazardous chemicals and pesticides in international trade,

Recalling the pertinent provisions of the Rio Declaration on Environment and Development and chapter 19 of Agenda 21 on "Environmentally sound management of toxic chemicals, including prevention of illegal international traffic in toxic and dangerous products",

Mindful of the work undertaken by the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization of the United Nations (FAO) in the operation of the voluntary Prior Informed Consent procedure, as set out in the UNEP Amended London Guidelines for the Exchange of Information on Chemicals in International Trade (hereinafter referred to as the "Amended London Guidelines") and the FAO International Code of Conduct on the Distribution and Use of Pesticides (hereinafter referred to as the "International Code of Conduct"),

Taking into account the circumstances and particular requirements of developing countries and countries with economies in transition, in particular the need to strengthen national capabilities and capacities for the management of chemicals, including transfer of technology, providing financial and technical assistance and promoting cooperation among the Parties,

Noting the specific needs of some countries for information on transit movements,

Recognizing that good management practices for chemicals should be promoted in all countries, taking into account, inter alia, the voluntary standards laid down in the International Code of Conduct and the UNEP Code of Ethics on the International Trade in Chemicals,

Desiring to ensure that hazardous chemicals that are exported from their territory are packaged and labelled in a manner that is adequately protective of human health and the environment, consistent with the principles of the Amended London Guidelines and the International Code of Conduct,

Recognizing that trade and environmental policies should be mutually supportive with a view to achieving sustainable development,

Emphasizing that nothing in this Convention shall be interpreted as implying in any way a change in the rights and obligations of a Party under any existing international agreement applying to chemicals in international trade or to environmental protection,

Understanding that the above recital is not intended to create a hierarchy between this Convention and other international agreements,

Determined to protect human health, including the health of consumers and workers, and the environment against potentially harmful impacts from certain hazardous chemicals and pesticides in international trade,

HAVE AGREED AS FOLLOWS.

Article 1. Objective

The objective of this Convention is to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

Article 2. Definitions

For the purposes of this Convention
(a) "Chemical" means a substance whether by itself or in a mixture or preparation and whether manufactured or obtained from nature, but does not include any living organism. It consists of the following categories: pesticide (including severely hazardous pesticide formulations) and industrial;
(b) "Banned chemical" means a chemical all uses of which within one or more categories have been prohibited by final regulatory action, in order to protect human health or the environment. It includes a chemical that has been refused approval for first-time use or has been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process and where there is clear evidence that such action has been taken in order to protect human health or the environment;
(c) "Severely restricted chemical" means a chemical virtually all use of which within one or more categories has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed. It includes a chemical that has, for virtually all use, been refused for approval or been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment;
(d) "Severely hazardous pesticide formulation" means a chemical formulated for pesticidal use that produces severe health or environmental effects observable within a short period of time after single or multiple exposure, under conditions of use;
(e) "Final regulatory action" means an action taken by a Party, that does not require subsequent regulatory action by that Party, the purpose of which is to ban or severely restrict a chemical;
(f) "Export" and "Import" mean, in their respective connotations, the movement of a chemical from one Party to another Party, but exclude mere transit operations;
(g) "Party" means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;
(h) "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 this Convention;
   (i) "Chemical Review Committee" means the subsidiary body referred to in paragraph 6 of Article 18.

Article 3. Scope of the Convention

1. This Convention applies to:
   (a) Banned or severely restricted chemicals; and
   (b) Severely hazardous pesticide formulations.
2. This Convention does not apply to:
   (a) Narcotic drugs and psychotropic substances;
   (b) Radioactive materials;
   (c) wastes;
   (d) Chemical weapons;
   (e) Pharmaceuticals, including human and veterinary drugs;
   (f) Chemicals used as food additives;
   (g) Food;
   (h) Chemicals in quantities not likely to affect human health or the environment provided they are imported:
      (i) For the purpose of research or analysis; or
      (ii) By an individual for his or her own personal use in quantities reasonable for such use.

Article 4. Designated national authorities

1. Each Party shall designate one or more national authorities that shall be authorized to act on its behalf in the performance of the administrative functions required by this Convention.
2. Each Party shall seek to ensure that such authority or authorities have sufficient resources to perform their tasks effectively.
3. Each Party shall, no later than the date of the entry into force of this Convention for it, notify the name and address of such authority or authorities to the Secretariat. It shall forthwith notify the Secretariat of any changes in the name and address of such authority or authorities.

4. The Secretariat shall forthwith inform the Parties of the notifications it receives under paragraph 3.

Article 5. Procedures for banned or severely restricted chemicals

1. Each Party that has adopted a final regulatory action shall notify the Secretariat in writing of such action. Such notification shall be made as soon as possible, and in any event no later than ninety days after the date on which the final regulatory action has taken effect, and shall contain the information required by Annex I, where available.
2. Each Party shall, at the date of entry into force of this Convention for it, notify the Secretariat in writing of its final regulatory actions in effect at that time, except that each Party that has submitted notifications of final regulatory actions under the Amended London Guidelines or the International Code of Conduct need not resubmit those notifications.
3. The Secretariat shall, as soon as possible, and in any event no later than six months after receipt of a notification under paragraphs 1 and 2, verify whether the notification contains the information required by Annex I. If the notification contains the information required, the Secretariat shall forthwith forward to all Parties a summary of the information received. If the notification does not contain the information required, it shall inform the notifying Party accordingly.
4. The Secretariat shall every six months communicate to the Parties a synopsis of the information received pursuant to paragraphs 1 and 2, including information regarding those notifications which do not contain all the information required by Annex I.
5. When the Secretariat has received at least one notification from each of two Prior Informed Consent regions regarding a particular chemical that it has verified meet the requirements of Annex I, it shall forward them to the Chemical Review Committee. The composition of the Prior Informed Consent regions shall be defined in a decision to be adopted by consensus at the first meeting of the Conference of the Parties.
6. The Chemical Review Committee shall review the information provided in such notifications and, in accordance with the criteria set out in Annex II, recommend to the Conference of the Parties whether the chemical in question should be made subject to the Prior Informed Consent procedure and, accordingly, be listed in Annex III.

Article 6. Procedures for severely hazardous pesticide formulations

1. Any Party that is a developing country or a country with an economy in transition and that is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory, may propose to the Secretariat the listing of the severely hazardous pesticide formulation in Annex III. In developing a proposal, the Party may draw upon technical expertise from any relevant source. The proposal shall contain the information required by part I of Annex IV.
2. The Secretariat shall, as soon as possible, and in any event no later than six months after receipt of a proposal under paragraph 1, verify whether the proposal contains the information required by part I of Annex IV. If the proposal contains the information required, the Secretariat shall forthwith forward to all Parties a summary of the information received.
If the proposal does not contain the information required, it shall inform the proposing Party accordingly.

3. The Secretariat shall collect the additional information set out in part 2 of Annex IV regarding the proposal forwarded under paragraph 2.

4. When the requirements of paragraphs 2 and 3 above have been fulfilled with regard to a particular severely hazardous pesticide formulation, the Secretariat shall forward the proposal and the related information to the Chemical Review Committee.

5. The Chemical Review Committee shall review the information provided in the proposal and the additional information collected and, in accordance with the criteria set out in part 3 of Annex IV, recommend to the Conference of the Parties whether the severely hazardous pesticide formulation in question should be made subject to the Prior Informed Consent procedure and, accordingly, be listed in Annex III.

Article 7. Listing of chemicals in Annex III

1. For each chemical that the Chemical Review Committee has decided to recommend for listing in Annex III, it shall prepare a draft decision guidance document. The decision guidance document should, at a minimum, be based on the information specified in Annex I, or, as the case may be, Annex IV, and include information on uses of the chemical in a category other than the category for which the final regulatory action applies.

2. The recommendation referred to in paragraph 1 together with the draft decision guidance document shall be forwarded to the Conference of the Parties. The Conference of the Parties shall decide whether the chemical should be made subject to the Prior Informed Consent procedure and, accordingly, list the chemical in Annex III and approve the draft decision guidance document.

3. When a decision to list a chemical in Annex III has been taken and the related decision guidance document has been approved by the Conference of the Parties, the Secretariat shall forthwith communicate this information to all Parties.

Article 8. Chemicals in the voluntary Prior Informed Consent procedure

For any chemical, other than a chemical listed in Annex III, that has been included in the voluntary Prior Informed Consent procedure before the date of the first meeting of the Conference of the Parties, the Conference of the Parties shall decide at that meeting to list the chemical in Annex III, provided that it is satisfied that all the requirements for listing in that Annex have been fulfilled.

Article 9. Removal of chemicals from Annex III

1. If a Party submits to the Secretariat information that was not available at the time of the decision to list a chemical in Annex III and that information indicates that its listing may no longer be justified in accordance with the relevant criteria in Annex II or, as the case may be, Annex IV, the Secretariat shall forward the information to the Chemical Review Committee.

2. The Chemical Review Committee shall review the information it receives under paragraph 1.

For each chemical that the Chemical Review Committee decides, in accordance with the relevant criteria in Annex II or, as the case may be, Annex IV, to recommend for removal from Annex III, it shall prepare a revised draft decision guidance document.

3. A recommendation referred to in paragraph 2 shall be forwarded to the Conference of the Parties and be accompanied by a revised draft decision guidance document. The Conference of the Parties shall decide whether the chemical should be removed from Annex III and whether to approve the revised draft decision guidance document.

4. When a decision to remove a chemical from Annex III has been taken and the revised decision guidance document has been approved by the Conference of the Parties, the Secretariat shall forthwith communicate this information to all Parties.

Article 10. Obligations in relation to imports of chemicals listed in Annex III

1. Each Party shall implement appropriate legislative or administrative measures to ensure timely decisions with respect to the import of chemicals listed in Annex III.

2. Each Party shall transmit to the Secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of the decision guidance document referred to in paragraph 3 of Article 7, a response concerning the future import of the chemical concerned. If a Party modifies this response, it shall forthwith submit the revised response to the Secretariat.

3. The Secretariat shall, at the expiration of the time period in paragraph 2, forthwith address to a Party that has not provided such a response, a written request to do so. Should the Party be unable to provide a response, the Secretariat shall, where appropriate, help it to provide a response within the time period specified in the last sentence of paragraph 2 of Article 11.

4. A response under paragraph 2 shall consist of either:
   (a) A final decision, pursuant to legislative or administrative measures:
      (i) To consent to import;
      (ii) Not to consent to import;
      (iii) To consent to import only subject to specified conditions; or
      (b) An interim response, which may include:
         (i) An interim decision consenting to import with or without specified conditions, or not consenting to import during the interim period;
         (ii) A statement that a final decision is under active consideration;
         (iii) A request to the Secretariat, or to the Party that notified the final regulatory action, for further information;
         (iv) A request to the Secretariat for assistance in evaluating the chemical.

5. A response under subparagraphs (a) or (b) of paragraph 4 shall relate to the category or categories specified for the chemical in Annex III.
6. A final decision should be accompanied by a description of any legislative or administrative measures upon which it is based.

7. Each Party shall, no later than the date of entry into force of this Convention for it, transmit to the Secretariat responses with respect to each chemical listed in Annex III. A Party that has provided such responses under the Amended London Guidelines or the International Code of Conduct need not resubmit those responses.

8. Each Party shall make its responses under this Article available to those concerned within its jurisdiction, in accordance with its legislative or administrative measures.

9. A Party that, pursuant to paragraphs 2 and 4 above and paragraph 2 of Article 11, takes a decision not to consent to import of a chemical or to consent to its import only under specified conditions shall, if it has not already done so, simultaneously prohibit or make subject to the same conditions:
   (a) Import of the chemical from any source; and
   (b) Domestic production of the chemical for domestic use.

10. Every six months the Secretariat shall inform all Parties of the responses it has received. Such information shall include a description of the legislative or administrative measures on which the decisions have been based, where available. The Secretariat shall, in addition, inform the Parties of any cases of failure to transmit a response.

Article 11. Obligations in relation to exports of chemicals listed in Annex III

1. Each exporting Party shall
   (a) Implement appropriate legislative or administrative measures to communicate the responses forwarded by the Secretariat in accordance with paragraph 10 of Article 10 to those concerned within its jurisdiction;
   (b) Take appropriate, legislative or administrative measures to ensure that exporters within its jurisdiction comply with decisions in each response no later than six months after the date on which the Secretariat first informs the Parties of such response in accordance with paragraph 10 of Article 10;
   (c) Advise and assist importing Parties, upon request and as appropriate:
      (i) To obtain further information to help them to take action in accordance with paragraph 4 of Article 10 and paragraph 2 (c) below; and
      (ii) To strengthen their capacities and capabilities to manage chemicals safely during their life-cycle.

2. Each Party shall ensure that a chemical listed in Annex III is not exported from its territory to any importing Party that, in exceptional circumstances, has failed to transmit a response or has transmitted an interim response that does not contain an interim decision, unless:
   (a) It is a chemical that, at the time of import, is registered as a chemical in the importing Party; or
   (b) It is a chemical for which evidence exists that it has previously been used in, or imported into, the importing Party and in relation to which no regulatory action to prohibit its use has been taken; or
   (c) Explicit consent to the import has been sought and received by the exporter through a designated national authority of the importing Party. The importing Party shall respond to such a request within sixty days and shall promptly notify the Secretariat of its decision.

The obligations of exporting Parties under this paragraph shall apply with effect from the expiration of a period of six months from the date on which the Secretariat first informs the Parties, in accordance with paragraph 10 of Article 10, that a Party has failed to transmit a response or has transmitted an interim response that does not contain an interim decision, and shall apply for one year.

Article 12. Export notification

1. Where a chemical that is banned or severely restricted by a Party is exported from its territory, that Party shall provide an export notification to the importing Party. The export notification shall include the information set out in Annex V.

2. The export notification shall be provided for that chemical prior to the first export following adoption of the corresponding final regulatory action. Thereafter, the export notification shall be provided before the first export in any calendar year. The requirement to notify before export may be waived by the designated national authority of the importing Party.

3. An exporting Party shall provide an updated export notification after it has adopted a final regulatory action that results in a major change concerning the ban or severe restriction of that chemical.

4. The importing Party shall acknowledge receipt of the first export notification received after the adoption of the final regulatory action. If the importing Party does not receive the acknowledgement within thirty days of the dispatch of the export notification, it shall submit a second notification. The exporting Party shall make reasonable efforts to ensure that the importing Party receives the second notification.

5. The obligations of a Party set out in paragraph 1 shall cease when:
   (a) The chemical has been listed in Annex III;
   (b) The importing Party has provided a response for the chemical to the Secretariat in accordance with paragraph 2 of Article 10; and
   (c) The Secretariat has distributed the response to the Parties in accordance with paragraph 10 of Article 10.

Article 13. Information to accompany exported chemicals

1. The Conference of the Parties shall encourage the world Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate.
Each Party shall require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported.

2. Without prejudice to any requirements of the importing Party, each Party shall require that both chemicals listed in Annex III and chemicals banned or severely restricted in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards.

3. Without prejudice to any requirements of the importing Party, each Party may require that chemicals subject to environmental or health labelling requirements in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards.

4. With respect to the chemicals referred to in paragraph 2 that are to be used for occupational purposes, each exporting Party shall require that a safety data sheet that follows an internationally recognized format, setting out the most up-to-date information available, is sent to each importer.

5. The information on the label and on the safety data sheet should, as far as practicable, be given in one or more of the official languages of the importing Party.

Article 14. Information exchange

1. Each Party shall, as appropriate and in accordance with the objective of this Convention, facilitate:

(a) The exchange of scientific, technical, economic and legal information concerning the chemicals within the scope of this Convention, including toxicological, ecotoxicological and safety information;

(b) The provision of publicly available information on domestic regulatory actions relevant to the objectives of this Convention; and

(c) The provision of information to other Parties, directly or through the Secretariat, on domestic regulatory actions that substantially restrict one or more uses of the chemical, as appropriate.

2. Parties that exchange information pursuant to this Convention shall protect any confidential information as mutually agreed.

3. The following information shall not be regarded as confidential for the purposes of this Convention:

(a) The information referred to in Annexes I and IV, submitted pursuant to Articles 5 and 6 respectively;

(b) The information contained in the safety data sheet referred to in paragraph 4 of Article 13;

(c) The expiry date of the chemical;

(d) Information on precautionary measures, including hazard classification, the nature of the risk and the relevant safety advice; and

(e) The summary results of the toxicological and ecotoxicological tests.

4. The production date of the chemical shall generally not be considered confidential for the purposes of this Convention.

5. Any Party requiring information on transit movements through its territory of chemicals listed in Annex III may report its need to the Secretariat, which shall inform all Parties accordingly.

Article 15. Implementation of the Convention

1. Each Party shall take such measures as may be necessary to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention. These measures may include, as required, the adoption or amendment of national legislative or administrative measures and may also include:

(a) The establishment of national registers and databases including safety information for chemicals;

(b) The encouragement of initiatives by industry to promote chemical safety; and

(c) The promotion of voluntary agreements, taking into consideration the provisions of Article 16.

2. Each Party shall ensure, to the extent practicable, that the public has appropriate access to information on chemical handling and accident management and on alternatives that are safer for human health or the environment than the chemicals listed in Annex III.

3. The Parties agree to cooperate, directly or, where appropriate, through competent international organizations, in the implementation of this Convention at the subregional, regional and global levels.

4. Nothing in this Convention shall be interpreted as restricting the right of the Parties to take action that is more stringent than protective of human health and the environment than that called for in this Convention, provided that such action is consistent with the provisions of this Convention and is in accordance with international law.

Article 16. Technical assistance

The Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of this Convention. Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.
Article 17. Non-Compliance

The Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for treatment of Parties found to be in non-compliance.

Article 18. Conference of the Parties

1. A Conference of the Parties is hereby established.

2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP and the Director-General of FAO, acting jointly, no 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.

3. 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 it is supported by at least one third of the Parties.

4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.

5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall:

(a) Establish, further to the requirements of paragraph 6 below, such subsidiary bodies as it considers necessary for the implementation of the Convention;

(b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and

(c) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.

6. The Conference of the Parties shall, at its first meeting, establish a subsidiary body, to be called the Chemical Review Committee, for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:

(a) The members of the Chemical Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of a limited number of government-designated experts in chemicals management. The members of the Committee shall be appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties;

(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee;

(c) The Committee shall make every effort to make its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.

7. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 19. Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

(a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;

(b) To facilitate assistance to the Parties, particularly developing Parties and Parties with economies in transition, on request, in the implementation of this Convention;

(c) To ensure the necessary coordination with the secretariats of other relevant international bodies,

(d) 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

(e) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

3. The secretariat functions for this Convention shall be performed jointly by the Executive Director of UNEP and the Director-General of FAO, subject to such arrangements as shall be agreed between them and approved by the Conference of the Parties.

4. The Conference of the Parties may decide, by a three-fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other competent international organizations, should it find that the Secretariat is not functioning as intended.

Article 20. Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, with respect to any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:
(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable; and

(b) Submission of the dispute to the International Court of Justice.

3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a).

4. A declaration made pursuant to paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the parties to the dispute otherwise agree.

6. If the parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2, and if they have not been able to settle their dispute within twelve months following notification by one party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than the second meeting of the Conference.

**Article 21. Amendments to the Convention**

1. Amendments to this Convention may be proposed by any Party.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment 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 the proposed amendment to the signatories to this Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.

4. The amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.

5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of its ratification, acceptance or approval by at least three fourths of the Parties. Thereafter, 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 ratification, acceptance or approval of the amendment.

**Article 22. Adoption and amendment of annexes**

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.

2. Annexes shall be restricted to procedural, scientific, technical or administrative matters.

3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:

   (a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1, 2 and 3 of Article 21;

   (b) Any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication of the adoption of the additional annex 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 notification of non-acceptance in respect of an additional annex and the annex shall thereupon enter into force for that Party subject to subparagraph (c) below; and

   (c) On the expiry of one year from the date of the communication by the Depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of subparagraph (b) above.

4. Except in the case of Annex III, the proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention.

5. The following procedure shall apply to the proposal, adoption and entry into force of amendments to Annex III:

   (a) Amendments to Annex III shall be proposed and adopted according to the procedure laid down in Articles 5 to 9 and paragraph 2 of Article 21;

   (b) The Conference of the Parties shall take its decisions on adoption by consensus;

   (c) A decision to amend Annex III shall forthwith be communicated to the Parties by the Depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.

6. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.

**Article 23. Voting**

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2 below.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member
States that are parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

3. For the purposes of this Convention, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 24. Signature

This Convention shall be open for signature at Rotterdam by all States and regional economic integration organizations on the 11th day of September 1998, and at United Nations Headquarters in New York from 12 September 1998 to 10 September 1999.

Article 25. Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations 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 that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this 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 its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the Depositary, who shall in turn inform the Parties, of any relevant modification in the extent of its competence.

Article 26. Entry into force

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

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fifth 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 purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.

Article 27. Reservations

No reservations may be made to this Convention.

Article 28. withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 29. Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention.

Article 30. 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 Rotterdam on this tenth day of September, one thousand nine hundred and ninety-eight.

[For the signatories, see p. 509 of this volume]
ANNEX I

INFORMATION REQUIREMENTS FOR NOTIFICATIONS MADE TO ARTICLE 5

Notifications shall include:

1. Properties, identification and uses
   (a) Common name,
   (b) Chemical name according to an internationally recognized nomenclature (for example, International Union of Pure and Applied Chemistry (IUPAC)), where such nomenclature exists;
   (c) Trade names and names of preparations;
   (d) Code numbers- Chemicals Abstract Service (CAS) number, Harmonized System customs code and other numbers;
   (e) Information on hazard classification, where the chemical is subject to classification requirements;
   (f) use or uses of the chemical;
   (g) Physico-chemical, toxicological and ecotoxicological properties

2. Final regulatory action
   (a) Information specific to the final regulatory action:
      (i) Summary of the final regulatory action;
      (ii) Reference to the regulatory action;
      (iii) Date of entry into force of the final regulatory action;
      (iv) Indication of whether the final regulatory action was taken on the basis of a risk or hazard evaluation and, if so, information on such evaluation, covering a reference to the relevant documentation;
      (v) Reasons for the final regulatory action relevant to human health, including the health of consumers and workers, or the environment;
      (vi) Summary of the hazards and risks presented by the chemical to human health, including the health of consumers and workers, or the environment and the expected effect of the final regulatory action;
   (b) Category or categories where the final regulatory action has been taken, and for each category:
      (i) Use or uses prohibited by the final regulatory action;
      (ii) Use or uses that remain allowed;
      (iii) Estimation, where available, of quantities of the chemical produced, imported, exported and used;
   (c) An indication, to the extent possible, of the likely relevance of regulatory action to other States and regions;
   (d) other relevant information that may cover:

(i) Assessment of socio-economic effects of the final regulatory action,
(ii) Information on alternatives and their relative risks, where available, such as:
   - Integrated pest management strategies;
   - Industrial practices and processes, including cleaner technology.
ANNEX II

CRITERIA FOR LISTING BANNED OR SEVERELY RESTRICTED CHEMICALS IN ANNEX III

In reviewing the notifications forwarded by the Secretariat pursuant to paragraph 5 of Article 5, the Chemical Review Committee shall:

(a) Confirm that the final regulatory action has been taken in order to protect human health or the environment;
(b) Establish that the final regulatory action has been taken as a consequence of a risk evaluation. This evaluation shall be based on a review of scientific data in the context of the conditions prevailing in the Party in question. For this purpose, the documentation provided shall demonstrate that:
   (i) Data have been generated according to scientifically recognized methods,
   (ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;
   (iii) The final regulatory action was based on a risk evaluation involving prevailing conditions within the Party taking the action;
(c) Consider whether the final regulatory action provides a sufficiently broad basis to merit listing of the chemical in Annex III, by taking into account:
   (i) Whether the final regulatory action led, or would be expected to lead, to a significant decrease in the quantity of the chemical used or the number of its uses;
   (ii) Whether the final regulatory action led to an actual reduction of risk or would be expected to result in a significant reduction of risk for human health or the environment of the Party that submitted the notification;
   (iii) Whether the considerations that led to the final regulatory action being taken are applicable only in a limited geographical area or in other limited circumstances;
   (iv) Whether there is evidence of ongoing international trade in the chemical;
(d) Take into account that intentional misuse is not in itself an adequate reason to list a chemical in Annex III.

ANNEX III

CHEMICALS SUBJECT TO THE PRIOR INFORMED CONSENT PROCEDURE

<table>
<thead>
<tr>
<th>Chemical</th>
<th>Relevant CAS number(s)</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,4,5-T</td>
<td>93-76-5</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Aldrin</td>
<td>309-00-2</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Captafel</td>
<td>2425-06-1</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Chlordane</td>
<td>57-74-9</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Chlordimeform</td>
<td>6164-98-3</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Chlorobenzilate</td>
<td>510-15-6</td>
<td>Pesticide</td>
</tr>
<tr>
<td>DDT</td>
<td>50-29-3</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Dieldrin</td>
<td>60-57-1</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Dinoseb and dinoseb salts</td>
<td>88-85-7</td>
<td>Pesticide</td>
</tr>
<tr>
<td>1,2-dibromoethane (EDB)</td>
<td>106-93-4</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Fluoroacetamide</td>
<td>640-19-7</td>
<td>Pesticide</td>
</tr>
<tr>
<td>HCH (mixed isomers)</td>
<td>608-73-1</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Heptachlor</td>
<td>76-44-8</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Hexachlorobenzene</td>
<td>118-74-1</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Lindane</td>
<td>58-89-9</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyl oxyalkyl and aryl mercury compounds</td>
<td></td>
<td>Pesticide</td>
</tr>
<tr>
<td>Pentachlorophenol</td>
<td>87-86-5</td>
<td>Pesticide</td>
</tr>
<tr>
<td>Monocrotophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l)</td>
<td>6923-22-4</td>
<td>Severeely hazardous pesticide formulation</td>
</tr>
<tr>
<td>Methamidophos 10265-92-6 (Soluble liquid formulation of the substance that exceed 600 g active ingredient/l)</td>
<td>10265-92-6</td>
<td>Severeely hazardous pesticide formulation</td>
</tr>
<tr>
<td>Phosphamidon (Soluble liquid formulations of the substance that exceed isomers) 1,000 g active ingredient/1</td>
<td></td>
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<tr>
<td>-----------------------------------------------------------------------------------------------------</td>
<td></td>
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</tr>
<tr>
<td>13171-21-6 (mixture, (E) &amp; (Z) isomers) 23783-98-4 ((Z) isomer) 297-99-4 ((E) isomer)</td>
<td></td>
<td></td>
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<tr>
<td>Severe ly hazardous pesticide formulation</td>
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<td></td>
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<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>298-00-0</td>
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<td></td>
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<tr>
<td>Severe ly hazardous pesticide formulation</td>
<td></td>
<td></td>
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<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parathion (all formulations - aerosols, dustable powder (DP), emulsifiable concentrate (EC), granules (GR) and wettable powders (WP) - of this substance are included, except capsule suspensions (CS))</td>
<td></td>
<td></td>
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<td>56-38-2</td>
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<td>Severe ly hazardous pesticide formulation</td>
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<td></td>
</tr>
<tr>
<td>Crocidolite</td>
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<td>12001-28-4</td>
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</tr>
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<td></td>
</tr>
<tr>
<td>Polybrominated biphenyls (PBB)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>36355-01-8(hexa-) 27888-07-7(octa-) 13654-09-6 (deca-)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
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<tr>
<td></td>
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</tr>
<tr>
<td>Polychlorinated biphenyls (PCB)</td>
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</tr>
<tr>
<td>1336-36-3</td>
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<tr>
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<td></td>
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<tr>
<td>Polychlorinated terphenyls (PCT)</td>
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<tr>
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<tr>
<td>Tris (2,3-dibromopropyl) phosphate</td>
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<td>Industrial</td>
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</tr>
</tbody>
</table>

ANNEX IV

INFORMATION AND CRITERIA FOR LISTING SEVERELY HAZARDOUS PESTICIDE FORMULATIONS IN ANNEX II

Part 1. Documentation required from a proposing Party

Proposals submitted pursuant to paragraph 1 of Article 6 shall include adequate documentation containing the following information:

(a) Name of the hazardous pesticide formulation;
(b) Name of the active ingredient or ingredients in the formulation;
(c) Relative amount of each active ingredient in the formulation;
(d) Type of formulation;
(e) Trade names and names of the producers, if available;
(f) Common and recognized patterns of use of the formulation within the proposing Party;
(g) A clear description of incidents related to the problem, including the adverse effects and the way in which the formulation was used,
(h) Any regulatory, administrative or other measure taken, or intended to be taken, by the proposing Party in response to such incidents.

Part 2. Information to be collected by the Secretariat

Pursuant to paragraph 3 of Article 6, the Secretariat shall collect relevant information relating to the formulation, including:

(a) The physico-chemical, toxicological and ecotoxicological properties of the formulation;
(b) The existence of handling or applicator restrictions in other States;
(c) Information on incidents related to the formulation in other States;
(d) Information submitted by other Parties, international organizations, non-governmental organizations or other relevant sources, whether national or international;
(e) Risk and/or hazard evaluations, where available.
(f) Indications, if available, of the extent of use of the formulation, such as the number of registrations or production or sales quantity.
(g) Other formulations of the pesticide in question, and incidents, if any, relating to these formulations;
(h) Alternative pest-control practices;
(i) Other information which the Chemical Review Committee may identify as relevant.

Part 3. Criteria for listing severely hazardous pesticide formulations in Annex III

In reviewing the proposals forwarded by the Secretariat pursuant to paragraph 5 of Article 6, the Chemical Review Committee shall take into account:
(a) The reliability of the evidence indicating that use of the formulation, in accordance with common or recognized practices within the proposing Party, resulted in the reported incidents;

(b) The relevance of such incidents to other States with similar climate, conditions and patterns of use of the formulation;

(c) The existence of handling or applicator restrictions involving technology or techniques that may not be reasonably or widely applied in States lacking the necessary infrastructure;

(d) The significance of reported effects in relation to the quantity of the formulation used;

(e) That intentional misuse is not in itself an adequate reason to list a formulation in Annex III.

ANNEX V

INFORMATION REQUIREMENTS FOR EXPORT NOTIFICATION

1. Export notifications shall contain the following information:

   (a) Name and address of the relevant designated national authorities of the exporting Party and the importing Party;

   (b) Expected date of export to the importing Party;

   (c) Name of the banned or severely restricted chemical and a summary of the information specified in Annex I that is to be provided to the secretariat in accordance with Article 5. Where more than one such chemical is included in a mixture or preparation, such information shall be provided for each chemical;

   (d) A statement indicating, if known, the foreseen category of the chemical and its foreseeable use within that category in the importing Party;

   (e) Information on precautionary measures to reduce exposure to, and emission of, the chemical;

   (f) In the case of a mixture or a preparation, the concentration of the banned or severely restricted chemical or chemicals in question;

   (g) Name and address of the importer;

   (h) Any additional information that is readily available to the relevant designated national authority of the exporting Party that would be of assistance to the designated national authority of the importing Party.

2. In addition to the information referred to in paragraph 1, the exporting Party shall provide such further information specified in Annex I as may be requested by the importing Party.
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Multilatéral

Convention sur l'accès à l'information, la participation du public au processus décisionnel et l'accès à la justice en matière d'environnement (avec annexes). Aarhus (Danemark), 25 juin 1998

Entrée en vigueur: 30 octobre 2001, conformément au paragraphe 1 de l'article 20 et définitivement le 30 octobre 2001, conformément au paragraphe 1 de l'article 20 (voir la page suivante)

Textes authentiques : anglais, français et russe


United Nations • Nations Unies
New York, 2003
CONVENTION ON ACCESS TO INFORMATION, PUBLIC PARTICIPATION IN DECISION-MAKING AND ACCESS TO JUSTICE IN ENVIRONMENTAL MATTERS

The Parties to this Convention,

Recalling principle 1 of the Stockholm Declaration on the Human Environment,

Recalling also principle 10 of the Rio Declaration on Environment and Development,

Recalling further General Assembly resolutions 37/7 of 28 October 1982 on the World Charter for Nature and 45/94 of 14 December 1990 on the need to ensure a healthy environment for the well-being of individuals,

Recalling the European Charter on Environment and Health adopted at the First European Conference on Environment and Health of the World Health Organization in Frankfurt-am-Main, Germany, on 8 December 1989,

Affirming the need to protect, preserve and improve the state of the environment and to ensure sustainable and environmentally sound development,

Recognizing that adequate protection of the environment is essential to human well-being and the enjoyment of basic human rights, including the right to life itself,

Recognizing also that every person has the right to live in an environment adequate to his or her health and well-being, and the duty, both individually and in association with others, to protect and improve the environment for the benefit of present and future generations,

Considering that, to be able to assert this right and observe this duty, citizens must have access to information, be entitled to participate in decision-making and have access to justice in environmental matters, and acknowledging in this regard that citizens may need assistance in order to exercise their rights,

Recognizing that, in the field of the environment, improved access to information and public participation in decision-making enhance the quality and the implementation of decisions, contribute to public awareness of environmental issues, give the public the opportunity to express its concerns and enable public authorities to take due account of such concerns,

Aiming thereby to further the accountability of and transparency in decision-making and to strengthen public support for decisions on the environment,

Recognizing the desirability of transparency in all branches of government and inviting legislative bodies to implement the principles of this Convention in their proceedings,

Recognizing also that the public needs to be aware of the procedures for participation in environmental decision-making, have free access to them and know how to use them,

Recognizing further the importance of the respective roles that individual citizens, non-governmental organizations and the private sector can play in environmental protection,

Desiring to promote environmental education to further the understanding of the environment and sustainable development and to encourage widespread public awareness of, and participation in, decisions affecting the environment and sustainable development,

Noting, in this context, the importance of making use of the media and of electronic or other, future forms of communication,

Recognizing the importance of fully integrating environmental considerations in governmental decision-making and the consequent need for public authorities to be in possession of accurate, comprehensive and up-to-date environmental information,

Acknowledging that public authorities hold environmental information in the public interest,

Concerned that effective judicial mechanisms should be accessible to the public, including organizations, so that its legitimate interests are protected and the law is enforced,

Noting the importance of adequate product information being provided to consumers to enable them to make informed environmental choices,

Recognizing the concern of the public about the deliberate release of genetically modified organisms into the environment and the need for increased transparency and greater public participation in decision-making in this field,

Convinced that the implementation of this Convention will contribute to strengthening democracy in the region of the United Nations Economic Commission for Europe (ECE),

Conscious of the role played in this respect by ECE and recalling, inter alia, the ECE Guidelines on Access to Environmental Information and Public Participation in Environmental Decision-making endorsed in the Ministerial Declaration adopted at the Third Ministerial Conference "Environment for Europe" in Sofia, Bulgaria, on 25 October 1995,

Bearing in mind the relevant provisions in the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland, on 25 February 1991, and the Convention on the Transboundary Effects of Industrial Accidents and the Convention on the Protection and Use of Transboundary Watercourses and International Lakes, both done at Helsinki on 17 March 1992, and other regional conventions,

Conscious that the adoption of this Convention will have contributed to the further strengthening of the "Environment for Europe" process and to the results of the Fourth Ministerial Conference in Aarhus, Denmark, in June 1998,

Have agreed as follows:

Article 1. Objective

In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.
Article 2. Definitions

For the purposes of this Convention,

1. "Party" means, unless the text otherwise indicates, a Contracting Party to this Convention;

2. "Public authority" means:
   (a) Government at national, regional and other level;
   (b) Natural or legal persons performing public administrative functions under national law, including specific duties, activities or services in relation to the environment;
   (c) Any other natural or legal persons having public responsibilities or functions, or providing public services, in relation to the environment, under the control of a body or person falling within subparagraphs (a) or (b) above;
   (d) The institutions of any regional economic integration organization referred to in article 17 which is a Party to this Convention.

This definition does not include bodies or institutions acting in a judicial or legislative capacity;

3. "Environmental information" means any information in written, visual, aural, electronic or any other material form on:
   (a) The state of elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;
   (b) Factors, such as substances, energy, noise and radiation, and activities or measures, including administrative measures, environmental agreements, policies, legislation, plans and programmes, affecting or likely to affect the elements of the environment within the scope of subparagraph (a) above, and cost-benefit and other economic analyses and assumptions used in environmental decision-making;
   (c) The state of human health and safety, conditions of human life, cultural sites and built structures, inasmuch as they are or may be affected by the state of the elements of the environment or, through these elements, by the factors, activities or measures referred to in subparagraph (e) above;

4. "The public" means one or more natural or legal persons, and, in accordance with national legislation or practice, their associations, organizations or groups;

5. "The public concerned" means the public affected or likely to be affected by, or having an interest in, the environmental decision-making; for the purposes of this definition, non-governmental organizations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest.


1. Each Party shall take the necessary legislative, regulatory and other measures, including measures to achieve compatibility between the provisions implementing the information, public participation and access-to-justice provisions in this Convention, as well as proper enforcement measures, to establish and maintain a clear, transparent and consistent framework to implement the provisions of this Convention.

2. Each Party shall endeavour to ensure that officials and authorities assist and provide guidance to the public in seeking access to information, in facilitating participation in decision-making and in seeking access to justice in environmental matters.

3. Each Party shall promote environmental education and environmental awareness among the public, especially on how to obtain access to information, to participate in decision-making and to obtain access to justice in environmental matters.

4. Each Party shall provide for appropriate recognition of and support to associations, organizations or groups promoting environmental protection and ensure that its national legal system is consistent with this obligation.

5. The provisions of this Convention shall not affect the right of a Party to maintain or introduce measures providing for broader access to information, more extensive public participation in decision-making and wider access to justice in environmental matters than required by this Convention.

6. This Convention shall not require any derogation from existing rights of access to information, public participation in decision-making and access to justice in environmental matters.

7. Each Party shall promote the application of the principles of this Convention in international environmental decision-making processes and within the framework of international organizations in matters relating to the environment.

8. Each Party shall ensure that persons exercising their rights in conformity with the provisions of this Convention shall not be penalized, persecuted or harassed in any way for their involvement. This provision shall not affect the powers of national courts to award reasonable costs in judicial proceedings.

9. Within the scope of the relevant provisions of this Convention, the public shall have access to information, have the possibility to participate in decision-making and have access to justice in environmental matters without discrimination as to citizenship, nationality or domicile and, in the case of a legal person, without discrimination as to where it has its registered seat or an effective centre of its activities.

Article 4. Access to Environmental Information

1. Each Party shall ensure that, subject to the following paragraphs of this article, public authorities, in response to a request for environmental information, make such information available to the public, within the framework of national legislation, including, where requested and subject to subparagraph (b) below, copies of the actual documentation containing or comprising such information:
   (a) Without an interest having to be stated;
   (b) In the form requested unless:
   (i) It is reasonable for the public authority to make it available in another form, in which case reasons shall be given for making it available in that form; or
(ii) The information is already publicly available in another form.

2. The environmental information referred to in paragraph 1 above shall be made available as soon as possible and at the latest within one month after the request has been submitted, unless the volume and the complexity of the information justify an extension of this period up to two months after the request. The applicant shall be informed of any extension and of the reasons justifying it.

3. A request for environmental information may be refused if:
   (a) The public authority to which the request is addressed does not hold the environmental information requested;
   (b) The request is manifestly unreasonable or formulated in too general a manner; or
   (c) The request concerns material in the course of completion or concerns internal communications of public authorities where such an exemption is provided for in national law or customary practice, taking into account the public interest served by disclosure.

4. A request for environmental information may be refused if the disclosure would adversely affect:
   (a) The confidentiality of the proceedings of public authorities, where such confidentiality is provided for under national law;
   (b) International relations, national defence or public security;
   (c) The course of justice, the ability of a person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;
   (d) The confidentiality of commercial and industrial information, where such confidentiality is protected by law in order to protect a legitimate economic interest. Within this framework, information on emissions which is relevant for the protection of the environment shall be disclosed;
   (e) Intellectual property rights;
   (f) The confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for in national law;
   (g) The interests of a third party which has supplied the information requested without that party being under or capable of being put under a legal obligation to do so, and where that party does not consent to the release of the material; or
   (h) The environment to which the information relates, such as the breeding sites of rare species.

The aforementioned grounds for refusal shall be interpreted in a restrictive way, taking into account the public interest served by disclosure and taking into account whether the information requested relates to emissions into the environment.

5. Where a public authority does not hold the environmental information requested, this public authority shall, as promptly as possible, inform the applicant of the public authority to which it believes it is possible to apply for the information requested or transfer the request to that authority and inform the applicant accordingly.

6. Each Party shall ensure that, if information exempted from disclosure under paragraphs 3 (c) and 4 above can be separated out without prejudice to the confidentiality of the information exempted, public authorities make available the remainder of the environmental information that has been requested.

7. A refusal of a request shall be in writing if the request was in writing or the applicant so requests. A refusal shall state the reasons for the refusal and give information on access to the review procedure provided for in accordance with article 9. The refusal shall be made as soon as possible and at the latest within one month, unless the complexity of the information justifies an extension of this period up to two months after the request. The applicant shall be informed of any extension and of the reasons justifying it.

8. Each Party may allow its public authorities to make a charge for supplying information, but such charge shall not exceed a reasonable amount. Public authorities intending to make such a charge for supplying information shall make available to applicants a schedule of charges which may be levied, indicating the circumstances in which they may be levied or waived and when the supply of information is conditional on the advance payment of such a charge.

Article 5. Collection and Dissemination of Environmental Information

1. Each Party shall ensure that:
   (a) Public authorities possess and update environmental information which is relevant to their functions;
   (b) Mandatory systems are established so that there is an adequate flow of information to public authorities about proposed and existing activities which may significantly affect the environment;
   (c) In the event of any imminent threat to human health or the environment, whether caused by human activities or due to natural causes, all information which could enable the public to take measures to prevent or mitigate harm arising from the threat and is held by a public authority is disseminated immediately and without delay to members of the public who may be affected.

2. Each Party shall ensure that, within the framework of national legislation, the way in which public authorities make environmental information available to the public is transparent and that environmental information is effectively accessible, inter alia, by:
   (a) Providing sufficient information to the public about the type and scope of environmental information held by the relevant public authorities, the basic terms and conditions under which such information is made available and accessible, and the process by which it can be obtained;
   (b) Establishing and maintaining practical arrangements, such as:
      (i) Publicly accessible lists, registers or files;
      (ii) Requiring officials to support the public in seeking access to information under this Convention; and
      (iii) The identification of points of contact; and
(c) Providing access to the environmental information contained in lists, registers or files as referred to in subparagraph (b) (i) above free of charge.

3. Each Party shall ensure that environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunications networks. Information accessible in this form should include:

(a) Reports on the state of the environment, as referred to in paragraph 4 below;
(b) Texts of legislation on or relating to the environment;
(c) As appropriate, policies, plans and programmes on or relating to the environment, and environmental agreements; and
(d) Other information, to the extent that the availability of such information in this form would facilitate the application of national law implementing this Convention, provided that such information is already available in electronic form.

4. Each Party shall, at regular intervals not exceeding three or four years, publish and disseminate a national report on the state of the environment, including information on the quality of the environment and information on pressures on the environment.

5. Each Party shall take measures within the framework of its legislation for the purpose of dissemination, inter alia:

(a) Legislation and policy documents such as documents on strategies, policies, programmes and action plans relating to the environment, and progress reports on their implementation, prepared at various levels of government;
(b) International treaties, conventions and agreements on environmental issues; and
(c) Other significant international documents on environmental issues, as appropriate.

6. Each Party shall encourage operators whose activities have a significant impact on the environment to inform the public regularly of the environmental impact of their activities and products, where appropriate within the framework of voluntary eco-labelling or eco-auditing schemes or by other means.

7. Each Party shall:

(a) Publish the facts and analyses of facts which it considers relevant and important in framing major environmental policy proposals;
(b) Publish, or otherwise make accessible, available explanatory material on its dealings with the public in matters falling within the scope of this Convention; and
(c) Provide in an appropriate form information on the performance of public functions or the provision of public services relating to the environment by government at all levels.

8. Each Party shall develop mechanisms with a view to ensuring that sufficient product information is made available to the public in a manner which enables consumers to make informed environmental choices.

9. Each Party shall take steps to establish progressively, taking into account international processes where appropriate, a coherent, nationwide system of pollution inventories or registers or a structured, computerized and publicly accessible database compiled through standardized reporting. Such a system may include inputs, releases and transfers of a specified range of substances and products, including water, energy and resource use, from a specified range of activities to environmental media and to on-site and off-site treatment and disposal sites.

10. Nothing in this article may prejudice the right of Parties to refuse to disclose certain environmental information in accordance with article 4, paragraphs 3 and 4.

Article 6. Public Participation in Decisions on Specific Activities

1. Each Party:

(a) Shall apply the provisions of this article with respect to decisions on whether to permit proposed activities listed in annex I;
(b) Shall, in accordance with its national law, also apply the provisions of this article to decisions on proposed activities not listed in annex I which may have a significant effect on the environment. To this end, Parties shall determine whether such a proposed activity is subject to these provisions; and
(c) May decide, on a case-by-case basis if so provided under national law, not to apply the provisions of this article to proposed activities serving national defence purposes, if that Party deems that such application would have an adverse effect on these purposes.

2. The public concerned shall be informed, either by public notice or individually as appropriate, early in an environmental decision-making procedure, and in an adequate, timely and effective manner, inter alia, of:

(a) The proposed activity and the application on which a decision will be taken;
(b) The nature of possible decisions or the draft decision;
(c) The public authority responsible for making the decision;
(d) The envisaged procedure, including, as and when this information can be provided:
   (i) The commencement of the procedure;
   (ii) The opportunities for the public to participate;
   (iii) The time and place of any envisaged public hearing;
   (iv) An indication of the public authority from which relevant information can be obtained and where the relevant information has been deposited for examination by the public;
   (v) An indication of the relevant public authority or any other official body to which comments or questions can be submitted and of the time schedule for transmittal of comments or questions; and
   (vi) An indication of what environmental information relevant to the proposed activity is available; and
(e) The fact that the activity is subject to a national or transboundary environmental impact assessment procedure.
3. The public participation procedures shall include reasonable time-frames for the different phases, allowing sufficient time for informing the public in accordance with paragraph 2 above and for the public to prepare and participate effectively during the environmental decision-making.

4. Each Party shall provide for early public participation, when all options are open and effective public participation can take place.

5. Each Party should, where appropriate, encourage prospective applicants to identify the public concerned, to enter into discussions, and to provide information regarding the objectives of their application before applying for a permit.

6. Each Party shall require the competent public authorities to give the public concerned access for examination, upon request where so required under national law, free of charge and as soon as it becomes available, to all information relevant to the decision-making referred to in this article that is available at the time of the public participation procedure, without prejudice to the right of Parties to refuse to disclose certain information in accordance with article 4, paragraphs 3 and 4. The relevant information shall include at least, and without prejudice to the provisions of article 4:
   (a) A description of the site and the physical and technical characteristics of the proposed activity, including an estimate of the expected residues and emissions;
   (b) A description of the significant effects of the proposed activity on the environment;
   (c) A description of the measures envisaged to prevent and/or reduce the effects, including emissions;
   (d) A non-technical summary of the above;
   (e) An outline of the main alternatives studied by the applicant; and
   (f) In accordance with national legislation, the main reports and advice issued to the public authority at the time when the public concern shall be informed in accordance with paragraph 2 above.

7. Procedures for public participation shall allow the public to submit, in writing or, as appropriate, at a public hearing or enquiry with the applicant, any comments, information, analyses or opinions that it considers relevant to the proposed activity.

8. Each Party shall ensure that in the decision due account is taken of the outcome of the public participation.

9. Each Party shall ensure that, when the decision has been taken by the public authority, the public is promptly informed of the decision in accordance with the appropriate procedures. Each Party shall make accessible to the public the text of the decision along with the reasons and considerations on which the decision is based.

10. Each Party shall ensure that, when a public authority reconsiders or updates the operating conditions for an activity referred to in paragraph 1, the provisions of paragraphs 2 to 9 of this article are applied mutatis mutandis, and where appropriate.

11. Each Party shall, within the framework of its national law, apply, to the extent feasible and appropriate, provisions of this article to decisions on whether to permit the deliberate release of genetically modified organisms into the environment.

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Article 7. Public Participation concerning Plans, Programmes and Policies relating to the Environment

Each Party shall make appropriate practical and/or other provisions for the public to participate during the preparation of plans and programmes relating to the environment, within a transparent and fair framework, having provided the necessary information to the public. Within this framework, article 6, paragraphs 3, 4 and 8, shall be applied. The public which may participate shall be identified by the relevant public authority, taking into account the objectives of this Convention. To the extent appropriate, each Party shall endeavour to provide opportunities for public participation in the preparation of policies relating to the environment.

Article 8. Public Participation during the Preparation of Executive Regulations and/or Generally Applicable Legally Binding Normative Instruments

Each Party shall strive to promote effective public participation at an appropriate stage, and while options are still open, during the preparation by public authorities of executive regulations and other generally applicable legally binding rules that may have a significant effect on the environment. To this end, the following steps should be taken:
   (a) Time-frames sufficient for effective participation should be fixed;
   (b) Draft rules should be published or otherwise made publicly available; and
   (c) The public should be given the opportunity to comment, directly or through representative consultative bodies.

The result of the public participation shall be taken into account as far as possible.

Article 9. Access to Justice

1. Each Party shall, within the framework of its national legislation, ensure that any person who considers that his or her request for information under article 4 has been ignored, wrongfully refused, whether in part or in full, inadequately answered, or otherwise not dealt with in accordance with the provisions of that article, has access to a review procedure before a court of law or another independent and impartial body established by law.

   In the circumstances where a Party provides for such a review by a court of law, it shall ensure that such a person also has access to an expeditious procedure established by law that is free of charge or inexpensive for reconsideration by a public authority or review by an independent and impartial body other than a court of law.

   Final decisions under this paragraph 1 shall be binding on the public authority holding the information. Reasons shall be stated in writing, at least where access to information is refused under this paragraph.

2. Each Party shall, within the framework of its national legislation, ensure that members of the public concerned
   (a) Having a sufficient interest or, alternatively,
(b) Maintaining impairment of a right, where the administrative procedural law of a Party requires this as a precondition,

have access to a review procedure before a court of law and/or another independent and impartial body established by law, to challenge the substantive and procedural legality of any decision, act or omission subject to the provisions of article 6 and, where so provided for under national law and without prejudice to paragraph 3 below, of other relevant provisions of this Convention.

What constitutes a sufficient interest and impairment of a right shall be determined in accordance with the requirements of national law and consistently with the objective of giving the public concerned wide access to justice within the scope of this Convention. To this end, the interest of any non-governmental organization meeting the requirements referred to in article 2, paragraph 5, shall be deemed sufficient for the purpose of subparagraph (a) above. Such organizations shall also be deemed to have rights capable of being impaired for the purpose of subparagraph (b) above.

The provisions of this paragraph 2 shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.

3. In addition and without prejudice to the review procedures referred to in paragraphs 1 and 2 above, each Party shall ensure that, where they meet the criteria, if any, laid down in its national law, members of the public have access to administrative or judicial procedures to challenge acts and omissions by private persons and public authorities which contravene provisions of its national law relating to the environment.

4. In addition and without prejudice to paragraph 1 above, the procedures referred to in paragraphs 2 and 3 above shall provide adequate and effective remedies, including injunctive relief as appropriate, and be fair, equitable, timely and not prohibitively expensive. Decisions under this article shall be given or recorded in writing. Decisions of courts, and whenever possible of other bodies, shall be publicly accessible.

5. In order to further the effectiveness of the provisions of this article, each Party shall ensure that information is provided to the public on access to administrative and judicial review procedures and shall consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.

**Article 10. Meeting of the 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, an ordinary meeting of the Parties shall be held at least once every two years, unless otherwise decided by the Parties, or at the written request of any Party, provided that, within six months of the request being communicated to all Parties by the Executive Secretary of the Economic Commission for Europe, 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 on the basis of regular reporting by the Parties, and, with this purpose in mind, shall:

   (a) Review the policies for and legal and methodological approaches to access to information, public participation in decision-making and access to justice in environmental matters, with a view to further improving them;

   (b) Exchange information regarding experience gained in concluding and implementing bilateral and multilateral agreements or other arrangements having relevance to the purposes of this Convention and to which one or more of the Parties are a party;

   (c) Seek, where appropriate, the services of relevant ECE bodies and other competent international bodies and specific committees in all aspects pertinent to the achievement of the purposes of this Convention;

   (d) Establish any subsidiary bodies as they deem necessary;

   (e) Prepare, where appropriate, protocols to this Convention;

   (f) Consider and adopt proposals for amendments to this Convention in accordance with the provisions of article 14;

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

   (h) At their first meeting, consider and by consensus adopt rules of procedure for their meetings and the meetings of subsidiary bodies;

   (i) At their first meeting, review their experience in implementing the provisions of article 5, paragraph 9, and consider what steps are necessary to develop further the system referred to in that paragraph, taking into account international processes and developments, including the elaboration of an appropriate instrument concerning pollution release and transfer registers or inventories which could be annexed to this Convention.

3. The Meeting of the Parties may, as necessary, consider establishing financial arrangements on a consensus basis.

4. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State or regional economic integration organization entitled under article 17 to sign this Convention but which is not a Party to this Convention, and any intergovernmental organization qualified in the fields to which this Convention relates, shall be entitled to participate as observers in the meetings of the Parties.

5. Any non-governmental organization, qualified in the fields to which this Convention relates, which has informed the Executive Secretary of the Economic Commission for Europe of its wish to be represented at a meeting of the Parties shall be entitled to participate as an observer unless at least one third of the Parties present in the meeting raise objections.

6. For the purposes of paragraphs 4 and 5 above, the rules of procedure referred to in paragraph 2 (b) above shall provide for practical arrangements for the admittance procedure and other relevant terms.

**Article 11. Right to Vote**

1. Except as provided for in paragraph 2 below, 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 12. 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; and
(c) Such other functions as may be determined by the Parties.

**Article 13. Annexes**

The annexes to this Convention shall constitute an integral part thereof.

**Article 14. 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 communicate it to all Parties at least ninety days before the meeting of the Parties at which it is proposed for adoption.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.
4. Amendments to this Convention adopted in accordance with paragraph 3 above shall be communicated by the Depositary to all Parties for ratification, approval or acceptance.

Amendments to this Convention other than those to an annex shall enter into force for Parties having ratified, approved or accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three fourths of these Parties. Thereafter they shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.
5. Any Party that is unable to approve an amendment to an annex to this Convention shall so notify the Depositary in writing within twelve months from the date of the communication of the adoption. The Depositary shall without delay notify all Parties of any such notification received.

**Article 15. Review of Compliance**

The Meeting of the Parties shall establish, on a consensus basis, optional arrangements of a non-confrontational, non-judicial and consultative nature for reviewing compliance with the provisions of this Convention. These arrangements shall allow for appropriate public involvement and may include the option of considering communications from members of the public on matters related to this Convention.

**Article 16. 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 Depositary that, for a dispute not resolved in accordance with paragraph 1 above, 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 II.
3. If the parties to the dispute have accepted both means of dispute settlement referred to in paragraph 2 above, the dispute may be submitted only to the International Court of Justice, unless the parties agree otherwise.

**Article 17. Signature**

This Convention shall be open for signature at Aarhus (Denmark) on 25 June 1998, and thereafter at United Nations Headquarters in New York until 21 December 1998, by States members of the Economic Commission for Europe as well as States having consultative status with the Economic Commission for Europe pursuant to paragraphs 8 and 11 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 18. Depository

The Secretary-General of the United Nations shall act as the Depositary of this Convention.

Article 19. Ratification, Acceptance, Approval and Accession

1. This Convention shall be subject to ratification, acceptance or approval by signatory States and regional economic integration organizations.

2. This Convention shall be open for accession as from 22 December 1998 by the States and regional economic integration organizations referred to in article 17.

3. Any other State, not referred to in paragraph 2 above, that is a Member of the United Nations may accede to the Convention upon approval by the Meeting of the Parties.

4. Any organization referred to in article 17 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. If one or more of such an organization's 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.

5. In their instruments of ratification, acceptance, approval or accession, the regional economic integration organizations referred to in article 17 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 20. 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 above, 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 17 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 21. 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 22. 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 Aarhus (Denmark), this twenty-fifth day of June, one thousand nine hundred and ninety-eight.
ANNEX I. LIST OF ACTIVITIES REFERRED TO IN ARTICLE 6, PARAGRAPH 1 (A)

1. Energy sector:
   - Mineral oil and gas refineries;
   - Installations for gasification and liquefaction;
   - Thermal power stations and other combustion installations with a heat input of 50 megawatts (MW) or more;
   - Coke ovens;
   - Nuclear power stations and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors (except research installations for the production and conversion of fissionable and fertile materials whose maximum power does not exceed 1 kW continuous thermal load);
   - Installations for the reprocessing of irradiated nuclear fuel;
   - Installations designed:
     - For the production or enrichment of nuclear fuel;
     - For the processing of irradiated nuclear fuel or high-level radioactive waste;
     - For the final disposal of irradiated nuclear fuel;
     - Solely for the final disposal of radioactive waste;
     - Solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.

2. Production and processing of metals:
   - Metal ore (including sulphide ore) roasting or sintering installations;
   - Installations for the production of pig-iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2.5 tons per hour;
   - Installations for the processing of ferrous metals:
     - (i) Hot-rolling mills with a capacity exceeding 20 tons of crude steel per hour;
     - (ii) Smitheries with hammers the energy of which exceeds 50 kilojoules per hammer, where the calorific power used exceeds 20 MW;
     - (iii) Application of protective fused metal coats with an input exceeding 2 tons of crude steel per hour;
   - Ferrous metal foundries with a production capacity exceeding 20 tons per day; Installations:
     - (i) For the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes;
     - (ii) For the smelting, including the alloying, of non-ferrous metals, including recovered products (refining, foundry casting, etc.), with a melting capacity exceeding 4 tons per day for lead and cadmium or 20 tons per day for all other metals;
   - Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m³.

3. Mineral industry:
   - Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tons per day or lime in rotary kilns with a production capacity exceeding 50 tons per day or in other furnaces with a production capacity exceeding 50 tons per day;
   - Installations for the production of asbestos and the manufacture of asbestos-based products;
   - Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tons per day;
   - Installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tons per day;
   - Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tons per day, and/or with a kiln capacity exceeding 4 m³ and with a setting density per kiln exceeding 300 kg/m³.

4. Chemical industry: Production within the meaning of the categories of activities contained in this paragraph means the production on an industrial scale by chemical processing of substances or groups of substances listed in subparagraphs (a) to (g):
   - (a) Chemical installations for the production of basic organic chemicals, such as:
     - (i) Simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic);
     - (ii) Oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins;
     - (iii) Sulphurous hydrocarbons;
     - (iv) Nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates;
     - (v) Phosphorus-containing hydrocarbons;
     - (vi) Halogenic hydrocarbons;
     - (vii) Organometallic compounds;
     - (viii) Basic plastic materials (polymers, synthetic fibres and cellulose based fibres);
     - (ix) Synthetic rubbers;
     - (x) Dyes and pigments;
     - (xi) Surface-active agents and surfactants;
   - (b) Chemical installations for the production of basic inorganic chemicals, such as:
     - (i) Gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;
     - (ii) Acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;
     - (iii) Bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;
(iv) Salts, such as ammonium chloride, potassium chloride, potassium carbonate, sodium carbonate, perborate, silver nitrate;

(v) Non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide;

(c) Chemical installations for the production of phosphorous-, nitrogen- or potassium-based fertilizers (simple or compound fertilizers);

(d) Chemical installations for the production of basic plant health products and of biocides;

(e) Installations using a chemical or biological process for the production of basic pharmaceutical products;

(f) Chemical installations for the production of explosives;

(g) Chemical installations in which chemical or biological processing is used for the production of protein feed additives, ferments and other protein substances.

5. Waste management:

Installations for the incineration, recovery, chemical treatment or landfill of hazardous waste;

Installations for the incineration of municipal waste with a capacity exceeding 3 tons per hour;

Installations for the disposal of non-hazardous waste with a capacity exceeding 50 tons per day;

Landfills receiving more than 10 tons per day or with a total capacity exceeding 25,000 tons, excluding landfills of inert waste.

6. Waste-water treatment plants with a capacity exceeding 150,000 population equivalent.

7. Industrial plants for the:

(a) Production of pulp from timber or similar fibrous materials;

(b) Production of paper and board with a production capacity exceeding 20 tons per day.

8. (a) Construction of lines for long-distance railway traffic and of airports 2/ with a basic runway length of 2,100 m or more;

(b) Construction of motorways and express roads; 3/

(c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road, would be 10 km or more in a continuous length.

9. (a) inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1,350 tons;

(b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1,350 tons.

10. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.

11. (a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year;

(b) In all other cases, works for the transfer of water resources between river basins where the multiannual average flow of the basin of abstraction exceeds 2,000 million cubic metres/year and where the amount of water transferred exceeds 5 per cent of this flow.

In both cases transfers of piped drinking water are excluded.

12. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tons/day in the case of petroleum and 500,000 cubic metres/day in the case of gas.

13. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.

14. Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km.

15. Installations for the intensive rearing of poultry or pigs with more than:

(a) 40,000 places for poultry;

(b) 2,000 places for production pigs (over 30 kg); or

(c) 750 places for sows.

16. Quarries and opencast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.

17. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.

18. Installations for the storage of petroleum, petrochemical, or chemical products with a capacity of 200,000 tons or more.

19. Other activities:

Plants for the pretreatment (operations such as washing, bleaching, mercerization) or dyeing of fibres or textiles where the treatment capacity exceeds 10 tons per day;

Plants for the tanning of hides and skins where the treatment capacity exceeds 12 tons of finished products per day;

(a) Slaughterhouses with a carcass production capacity greater than 50 tons per day;

(b) Treatment and processing intended for the production of food products from:

(i) Animal raw materials (other than milk) with a finished product production capacity greater than 75 tons per day;

(ii) Vegetable raw materials with a finished product production capacity greater than 300 tons per day (average value on a quarterly basis);
(c) Treatment and processing of milk, the quantity of milk received being greater than 200 tons per day (average value on an annual basis);

Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tons per day;

Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tons per year;

Installations for the production of carbon (hard-burnt coal) or graphitization by means of incineration or graphitization.

20. Any activity not covered by paragraphs 1-19 above where public participation is provided for under an environmental impact assessment procedure in accordance with national legislation.

21. The provision of article 6, paragraph 1 (a) of this Convention, does not apply to any of the above projects undertaken exclusively or mainly for research, development and testing of new methods or products for less than two years unless they would be likely to cause a significant adverse effect on environment or health.

22. Any change to or extension of activities, where such a change or extension in itself meets the criteria/thresholds set out in this annex, shall be subject to article 6, paragraph 1 (a) of this Convention. Any other change or extension of activities shall be subject to article 6, paragraph 1 (b) of this Convention.

Notes

1. Nuclear power stations and other nuclear reactors cease to be such an installation when all nuclear fuel and other radioactively contaminated elements have been removed permanently from the installation site.

2. For the purposes of this Convention, "airport" means an airport which complies with the definition in the 1944 Chicago Convention setting up the International Civil Aviation Organization (Annex 14).

3. For the purposes of this Convention, "express road" means a road which complies with the definition in the European Agreement on Main International Traffic Arteries of 15 November 1975.

ANNEX II. ARBITRATION

1. In the event of a dispute being submitted for arbitration pursuant to article 16, 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 that they receive in confidence in 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.
Bamako Convention on the Ban on the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, 1998
No. 36508

Multilateral

Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (with annexes). Bamako, 30 January 1991

Entry into force: 22 April 1998, in accordance with article 25 (see following page)

Authentic texts: Arabic, English, French and Portuguese

Registration with the Secretariat of the United Nations: Organization of African Unity, 3 March 2000

Multilatéral


Entrée en vigueur : 22 avril 1998, conformément à l'article 25 (voir la page suivante)

Textes authentiques: arabe, anglais, français et portugais

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

Preamble

The Parties to this Convention,

1. Mindful of the growing threat to human health and the environment posed by the increased generation and the complexity of hazardous wastes,

2. Further mindful that the most effective way of protecting human health and the environment from the dangers posed by such wastes is the reduction of their generation to a minimum in terms of quantity and/or hazard potential,

3. Aware of the risk of damage to human health and the environment caused by transboundary movements of hazardous wastes,

4. Reiterating that States should ensure that the generator should carry out his responsibilities with regard to the transport and disposal of hazardous wastes in a manner that is consistent with the protection of human health and environment, whatever the place of disposal,

5. Recalling relevant Chapter of the Charter of the Organization of African Unity (OAU) on Environmental Protection, the African Charter for Human and Peoples' Rights, Chapter IX of the Lagos Plan of Action and other Recommendations adopted by the Organization of African Unity on the environment,

6. Further recognizing the sovereignty of States to ban the importation into, and the transit through, their territory, of hazardous wastes and substances for human health and environmental reasons,

7. Recognizing also the increasing mobilization in Africa for the prohibition of transboundary movements of hazardous wastes and their disposal in African countries,

8. Convinced that hazardous wastes should, as far as is compatible with environmentally sound and efficient management, be disposed in the State where they were generated,

9. Convinced that the effective control and minimization of transboundary movements of hazardous wastes will act as an incentive, in Africa and elsewhere, for the reduction of the volume of the generation of such wastes,

10. Noting that a number of international and regional agreements deal with the problem of the protection and preservation of the environment with regard to the transit of dangerous goods,


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

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

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

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

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

Have agreed as follows:

Article 1. Definitions

For the purpose of this Convention:

1. "Wastes" are substances or materials which are disposed of, or are intended to be disposed of, or are required to be disposed of by the provisions of national law;

2. "Hazardous wastes" shall mean wastes as specified in Article 2 of this Convention;

3. "Management" means the prevention and reduction of hazardous wastes and the collection, transport, storage, treatment either for re-use or disposal of hazardous wastes including after-care of disposal sites;

4. "Transboundary Movement" means any movement of hazardous wastes from an area under the national jurisdiction of any state to or through an area under the national jurisdiction of another State, or to or through an area not under the national jurisdiction of another State, provided at least two States are involved in the movement;

5. "Clean production methods" means production or industrial systems which avoid or eliminate the generation of hazardous wastes and hazardous products in conformity with Article 4, Section 3 (f) and (g) of this Convention;
6. "Disposal" means any operation specified in Annex III to this Convention;

7. "Approved site or facility" means a site or facility for the disposal of hazardous wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;

8. "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous wastes and any information related to it, and for responding to such a notification, as provided in Article 6;

9. "Focal point" means the entity of a Party referred to in Article 5 responsible for receiving and submitting information as provided for in Articles 13 and 16;

10. "Environmentally sound management of hazardous wastes" means taking all practicable steps to ensure that hazardous wastes are managed in a manner which will protect human health and environment against the adverse effects which may result from such wastes;

11. "Area under the national jurisdiction of a State" means any land, marine area or airspace within which a State exercises administrative and regulatory responsibility in accordance with international law in regard to the protection of human health or the environment;

12. "State of export" means a State from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated;

13. "State of import" means a State to which a transboundary movement is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;

14. "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes is planned or takes place;

15. "States concerned" means Parties which are States of export or import, or transit States whether or not Parties;

16. "Person" means any natural or legal person;

17. "Exporter" means any person under the jurisdiction of the State export who arranges for hazardous wastes to be exported;

18. "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes to be imported;

19. "Carrier" means any person who carries out the transport of hazardous wastes;

20. "Generator" means any person whose activity produces hazardous wastes, or, if that person is not known, the person who is in possession and/or control of those wastes;

21. "Disposer" means any person to whom hazardous wastes are shipped and who carries out the disposal of such wastes;

22. "Illegal traffic" means any transboundary movement of hazardous wastes as specified in Article 9;

23. "Dumping at sea" means the deliberate disposal of hazardous wastes at sea from vessels, aircraft, platforms or other man-made structures at sea, and includes ocean incineration and disposal into the seabed and sub-seabed.

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**Article 2. Scope of the Convention**

1. The following substances shall be "hazardous wastes" for the purposes of this convention:

   (a) Wastes that belong to any category contained in Annex I of this Convention;

   (b) Wastes that are not covered under paragraph (a) above but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the State of export, import or transit;

   (c) Wastes which possess any of the characteristics contained in Annex II of this Convention;

   (d) Hazardous substances which have been banned, canceled or refused registration by government regulatory action, or voluntarily withdrawn from registration, in the country of manufacture, for human health and environmental reasons.

2. Wastes which, as a result of being radioactive, are subject to any international control systems, including international instruments, applying specifically to radioactive materials, are included in the scope of this Convention.

3. Wastes which derive from the normal operations of a ship, the discharge of which is covered by another international instrument, shall not fall within the scope of this Convention.

**Article 3. National Definitions of Hazardous Wastes**

1. Each State shall, within six months of becoming a Party to this Convention, inform the Secretariat of the Convention of the wastes, other than those listed in Annex I of this Convention, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.

2. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has provided pursuant to Paragraph 1 of this Convention.

3. The Secretariat shall forthwith inform all Parties of the information it has received pursuant to Paragraphs 1 and 2 of this Article.

4. Parties shall be responsible for making the information transmitted to them by the Secretariat under Paragraph 3 of this Article, available to their exporters and other appropriate bodies.

**Article 4. General Obligations**

1. **Hazardous Waste Import Ban**

   All Parties shall take appropriate legal, administrative and other measures within the area under their jurisdiction to prohibit the import of all hazardous wastes, for any reason, into Africa from non-Contracting Parties. Such import shall be deemed illegal and a criminal act. All Parties shall:
(a) Forward as soon as possible, all information relating to such illegal hazardous waste import activity to the Secretariat who shall distribute the information to all Contracting Parties;

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

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

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

(b) Parties shall forward, as soon as possible, all information relating to dumping of hazardous wastes to the Secretariat which shall distribute the information to all Contracting Parties.

3. Waste Generation in Africa

Each Party shall:

(a) Ensure that hazardous waste generators submit to the Secretariat reports regarding the wastes that they generate in order to enable the Secretariat of the Convention to produce a complete hazardous waste audit;

(b) Impose unlimited liability as well as joint and several liability on hazardous waste generators;

(c) Ensure that the generation of hazardous wastes within the area under its jurisdiction is reduced to a minimum taking into account social, technological and economic aspects;

(d) Ensure the availability of adequate treatment and/or disposal facilities, for the environmentally sound management of hazardous wastes which shall be located, to the extent possible, within its jurisdiction;

(e) Ensure that persons involved in the management of hazardous wastes within its jurisdiction take such steps as are necessary to prevent pollution arising from such wastes and, if such pollution occurs, to minimize the consequence thereof for human health and environment;

The Adoption of Precautionary Measures

(f) Each Party shall strive to adopt and implement the preventive, precautionary approach to pollution problems which entails inter alia: preventing the release into the environment of substances which may cause harm to humans or the environment without waiting for scientific proof regarding such harm. The Parties shall co-operate with each other in taking the appropriate measures to implement the precautionary principle to pollution prevention through the application of clean production methods, rather than the pursuit of a permissible emissions approach based on assimilative capacity assumptions;

(g) In this respect Parties shall promote clean production methods applicable to entire product life cycles including:

- Raw material selection, extraction and processing;
- Product conceptualization, design, manufacture and assemblage;
- Materials transport during all phases;
- Industrial and household usage;
- Reinforcement of the product into industrial systems or nature when it no longer serves a useful function;

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

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

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

(i) Each Party shall prevent the export of hazardous wastes to States which have prohibited by their legislation or international agreement all such imports, or if it has reason to believe that the wastes in question will not be managed in an environmentally sound manner, according to criteria to be decided on by the Parties at their first meeting;

(j) A Party shall not permit hazardous wastes to be exported to a State which does not have the facilities for disposing of them in an environmentally sound manner;

(k) Each Party shall ensure that hazardous wastes to be exported are managed in an environmentally sound manner in the State of import and of transit. Technical guidelines for the environmentally sound management of wastes subject to this convention shall be decided by the Parties at their first meeting;

(l) The Parties agree not to allow the export of hazardous wastes for disposal within the area South of 60 degrees South Latitude, whether or not such wastes are subject to transboundary movement;

(m) Furthermore, each Party shall:

(i) Prohibit all persons under its national jurisdiction from transporting or disposing of hazardous wastes unless such persons are authorized or allowed to perform such operations;

(ii) Ensure that hazardous wastes that are to be the subject of a transboundary movement are packaged, labelled, and transported in conformity with generally accepted and recognized international rules and standards in the field of packaging, labelling and transport, and that due account is taken of relevant internationally recognized practices;

(iii) Ensure that hazardous wastes be accompanied by a movement document, containing information specified in Annex IV B, from the point at which a transboundary movement commences to the point of disposal;
(n) Parties shall take the appropriate measures to ensure that the transboundary movements of hazardous wastes only are allowed if:

(i) The State of export does not have the technical capacity and the necessary facilities, capacity or suitable disposal sites in order to dispose of the wastes in question in an environmentally sound and efficient manner, or

(ii) The transboundary movement in question is in accordance with other criteria to be decided by the

Parties, provided those criteria do not differ from the objectives of this Convention;

(o) Under this Convention, the obligation of States in which hazardous wastes are generated, requiring that those wastes are managed in an environmentally sound manner, may not under any circumstances be transferred to the States of import or transit;

(p) Parties shall undertake to review periodically the possibilities for the reduction of the amount and/or the pollution potential of hazardous wastes which are exported to other States;

(q) Parties exercising their right to prohibit the import of hazardous wastes for disposal shall inform the other Parties of their decision pursuant to Article 13;

(r) Parties shall prohibit or shall not permit the export of hazardous wastes to States which have prohibited the import of such wastes when notified by the Secretariat or any competent authority pursuant to sub-paragraph (q) above;

(s) Parties shall prohibit or shall not permit the export of hazardous wastes if the State of import does not consent in writing to the specific import, in the case where that State of import has not prohibited the import of such wastes;

(t) Parties shall ensure that the transboundary movement of hazardous wastes is reduced to the minimum consistent with the environmentally sound and efficient management of such wastes, and is conducted in a manner which will protect human health and the environment against the adverse effects which may result from such movements;

(u) Parties shall require that information about a proposed transboundary movement of hazardous wastes be provided to the States concerned, according to Annex IV A, and clearly state the potential effects of the proposed movement on human health and the environment.

4. Furthermore:

(a) Parties shall undertake to enforce the obligation of this Convention against offenders and infringements according to relevant national laws and/or order to better protect human health and the environment;

(b) Nothing in this Convention shall prevent a Party from imposing additional requirements that are consistent with the provisions of this Convention, and are in accordance with the rules of international law, in order to better protect human health and the environment;

(c) This Convention recognizes the sovereignty of States over their territorial sea, waterways and air space established in accordance with international law, and jurisdiction which States have in their exclusive economic zone and their continental shelves in accordance with international law, and the exercise by ships and aircraft of all States of naviga-
5. In the case of a transboundary movement of hazardous wastes where the wastes are legally defined as or considered to be hazardous wastes only:
   (a) By the State of export, the requirements of paragraph 8 of this Article that apply to the importer or disposer and the State of import shall apply mutatis mutandis to the exporter and State of export, respectively;
   (b) By the State of import or by the States of import and transit which are Parties to this Convention, the requirements of paragraph 1, 3, 4 and 6 of this Article that apply to the exporter and State of export shall apply mutatis mutandis to the importer or disposer and State of import, respectively; or
   (c) By any State of transit which is Party to this Convention, the provisions of paragraph 4 shall apply to such State.

6. The State shall use a specific notification even where hazardous wastes having the same physical and chemical characteristics are shipped regularly to the same disposer via the same customs office of entry of the State of import, and in the case of transit via the same customs office of entry and exit of the State or States of transit; specific notification of each and every shipment shall be required and contain the information in Annex IVA of this Convention.

7. Each Party to this Convention shall meet their points or ports of entry and notify the Secretariat to this effect for distribution to all Contracting Parties. Such points and ports shall be the only ones permitted for the transboundary movement of hazardous wastes.

8. The Parties to this Convention shall ensure that each person who takes charge of a transboundary movement of hazardous wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also ensure that the disposer inform both the exporter and the competent authority of the State of export of receipt by the disposer of the wastes in question and, in due course, of the completion of disposal as specified in the notification. If no such information is received within the State of export, the competent authority of the State of export or the exporter shall notify the State of import.

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

10. Any transboundary movement of hazardous wastes shall be covered by insurance, bond or other guarantee as may be required by the State of import or any State of transit which is a Party to this Convention.

**Article 7. Transboundary Movement from a Party through States which are not Parties**

Paragraph 2 of Article 6 of the Convention shall apply mutatis mutandis to transboundary movements of hazardous wastes from a Party through a State or States which are not Parties.

**Article 8. Duty of Re-import**

When a transboundary movement of hazardous wastes to which the consent of the States concerned has been given, subject to the provisions of this Convention, cannot be completed in accordance with the terms of the contract, the State of export shall ensure that the wastes in question are taken back into the State of export, by the exporter, if alternative arrangements cannot be made for their disposal in an environmentally sound manner within a maximum of 90 days from the time that the importing State informed the State of export and the Secretariat. To this end, the State of export and any State of transit shall not oppose, hinder or prevent the return of those wastes to the State of export.

**Article 9. Illegal Traffic**

For the purpose of this Convention, any transboundary movement of hazardous wastes under the following situations shall be deemed to be illegal traffic:
   (a) If carried out without notification, pursuant to the provisions of this Convention, to all States concerned, or
   (b) If carried out without the consent, pursuant to the provisions of this Convention, of a State concerned; or
   (c) If consent is obtained from States concerned through falsification, misrepresentation or fraud; or
   (d) If it does not conform in a material way with the documents; or
   (e) If it results in deliberate disposal of hazardous wastes in contravention of this Convention and of general principles of international law.

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

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

4. In the case of a transboundary movement of hazardous wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are returned to the exporter by the importer and that legal proceedings according to the provisions of this Convention are taken against the contravenor(s).

**Article 10. Intra-African Cooperation**

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

2. To this end, the Parties shall:
(a) Make available information, whether on a bilateral or multilateral basis, with a view to promoting clean production methods and the environmentally sound management of hazardous wastes, including harmonization of technical standards and practices for the adequate management of hazardous wastes;

(b) Cooperate in monitoring the effects of the management of hazardous wastes on human health and the environment;

c) Co-operate, subject to their national laws, regulations and policies, in the development and implementation of new environmentally sound clean production technologies and the improvement of existing technologies with a view to eliminating, as far as practicable, the generation of hazardous wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental effects of the adoption of such new and improved technologies;

d) Co-operate actively in their national laws, regulations and policies, in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes. They shall also cooperate in developing the technical capacity among Parties, especially those which may need and request technical assistance in this field;

(e) Co-operate in developing appropriate technical guidelines and/or codes of practice;

(f) Co-operate in the exchange and dissemination of information on the movement of hazardous wastes in conformity with Article 13 of this Convention.

Article 11. International Co-operation, Bilateral and Regional Agreements

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

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

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

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

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

Article 12. Liabilities and Compensation

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

Article 13. Transmission of Information

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

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

(a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5 of the present Convention;

(b) Changes in their national definition of hazardous wastes, pursuant to Article 3 of the present Convention;

(c) Decisions made by them to limit or ban the import of hazardous wastes;

(d) Any other information required pursuant to paragraph 4 of this Article.

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

(a) Competent authorities, Dumpwatch, and focal points that have been designated by them pursuant to Article 5 of the present Convention.

(b) Information regarding transboundary movements of hazardous wastes in which they have been involved including:

(i) The quantity of hazardous wastes exported, their category, characteristics, destination, any transit country and disposal methods as stated in the notification;

(ii) The amount of hazardous wastes imported, their category, characteristics, origin and disposal methods;

(iii) Disposal which did not proceed as intended;

(iv) Efforts to achieve a reduction of the amount of hazardous wastes subject to transboundary movements.

(c) Information on the measures adopted by them in the implementation of this Convention;
(d) Information on available qualified statistics -- which have been compiled by them on the effects on human health and the environment of the generation, transportation, and disposal of hazardous wastes -- as part of the information required in conformity with Article 4 Section 3 (a) of this Convention;

(e) Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of this Convention;

(f) Information on accidents occurring during the transboundary movements and disposal of hazardous wastes and on the measures undertaken to deal with them;

(g) Information on disposal options operated within the area under their national jurisdiction;

(h) Information on measures undertaken for the development of clean production methods, including clean production technologies, for the reduction and/or elimination of the production of hazardous wastes; and

(i) Such other matters as the Conference of the Parties shall deem relevant.

4. The Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes, and the response to it, are sent to the Secretariat.

Article 14. Financial Aspects

1. The regular budget of the Conference of the Parties, as required in Articles 15 and 16 of this Convention, shall be prepared by the Secretariat and approved by the Conference.

2. Parties shall, at the first meeting of the Conference of the Parties, agree on a scale of contributions to the recurrent budget of the Secretariat.

3. The Parties shall also consider the establishment of a revolving fund to assist, on an interim basis, in case of emergency situations to minimize damage from disasters or accidents arising from transboundary movements of hazardous wastes or during the disposal of such wastes.

4. The Parties agree that, according to the specific needs of different regions and sub-regions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and the minimization of their generation should be established as well as appropriate funding mechanisms of a voluntary nature.

Article 15. Conference of the Parties

1. A Conference of the Parties made up of Ministers having the environment as their mandate is hereby established. The first meeting of the Conference of the Parties shall be convened by the Secretary-General of the OAU not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. The Conference of the Parties to this Convention shall adopt Rules of Procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.

3. The Parties to this Convention at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine and inland waters environments in the context of this Convention.

4. The Conference of the Parties shall keep under continued review and evaluation the effective implementation of this Convention, and in addition, shall:

   (a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes;

   (b) Consider and adopt amendments to this Convention and its annexes, taking into consideration, inter alia, available scientific, technical, economic and environmental information;

   (c) Consider and undertake any additional action that may be required for the achievement of the purpose of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11 of the present Convention;

   (d) Consider and adopt protocols as required;

   (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention; and

   (f) Make decisions for the peaceful settlement of disputes arising from the transboundary movement of hazardous wastes, if need be, according to international law.

5. Organizations may be represented as observers at meetings of the Conference of the Parties to this Convention. Any body or agency, whether national or international, governmental or non-governmental, qualified in fields relating to hazardous wastes which has informed the Secretariat, may be represented as an observer at a meeting of the Conference of the Parties to this Convention. The admission and participation of observers shall be subject to the rules of procedures adopted by the Conference of the Parties.

Article 16. Secretariat

The functions of the Secretariat shall be:

(a) To arrange for, and service, meetings provided for in Articles 15 and 17 of the present Convention;

(b) To prepare and transmit reports based upon information received in accordance with Articles 3, 4, 6, 11, and 13 of the present Convention as well as upon information derived from meetings of subsidiary bodies established under Article 15 of the present Convention as well as upon, as appropriate, information provided by relevant intergovernmental and non-governmental entities;

(c) To prepare reports on its activities carried out in the implementation of its functions under this Convention and present them to the Conference of the Parties;
(d) To ensure the necessary co-ordination with relevant international bodies, and in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions;

(e) To communicate with focal points, competent authorities and DUMPwatch established by the Parties in accordance with Article 5 of this Convention as well as appropriate inter-governmental and non-governmental organizations which may provide assistance in the implementation of this Convention;

(f) To compile information concerning approved national sites and facilities of Parties to this Convention available for the disposal or treatment of their hazardous wastes and to circulate this information;

(g) To receive and convey information from and to Parties to this Convention on:
   Sources of technical assistance and training;
   Available technical and scientific know-how;
   Sources of advice and expertise; and
   Availability of resources.
   This information will assist them in:
   The management of the notification system of this Convention;
   Environmentally sound clean production methods relating to hazardous wastes, such as clean production technologies;
   The assessment of disposal capabilities and sites;
   The monitoring of hazardous wastes; and
   Emergency responses.

(h) To provide the Parties to this Convention with information on consultants or consulting firms having the necessary technical competence in the field, which can assist them with examining a notification for a transboundary movement, the concurrence of a shipment of hazardous wastes with the relevant notification, and/or whether the proposed disposal facilities for hazardous wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner. Any such examinations would not be at the expense of the Secretariat;

(i) To assist Parties to this Convention in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) To co-operate with Parties to this Convention and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties to this Convention.

2. The Secretariat's functions shall be carried out on an interim basis by the Organization of African Unity (OAU) jointly with the United Nations Economic Commission for Africa (ECA) until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15 of the present Convention. At this meeting, the Conference of the

Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

Article 17. Amendment of the Convention and of Protocols

1. Any Party may propose amendments to this Convention and any Party to a Protocol may propose amendments to that Protocol. Such amendments shall take due account, inter alia, of relevant scientific, technical, environmental and social considerations.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any Protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any Protocol, except as may otherwise be provided in such Protocol, shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the Signatories to this Convention for their information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting at the meeting. It shall then be submitted by the Depository to all Parties for ratification, approval, formal confirmation or acceptance.

Amendment of Protocols to this Convention.

4. The procedure specified in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the Parties to that Protocol present and voting at the meeting shall suffice for their adoption.

General Provisions

5. Instruments of ratification, approval, formal confirmation or acceptance of amendments shall be deposited with the Depository. Amendments adopted in accordance with paragraph 3 or 4 above shall enter into force between Parties having accepted them, on the nineteenth day after the receipt by the Depository of the instrument of ratification, approval, formal confirmation or acceptance by at least two-thirds of the Parties who accepted the amendments to the Protocol concerned, except as may otherwise be provided in such Protocol. The amendments shall enter into force for any other Party on the nineteenth day after that Party deposits its instrument of ratification, approval, formal confirmation or acceptance of the amendments.

6. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 18. Adoption and Amendment of Annexes

1. The annexes to this Convention or to any Protocol shall form an integral part of this Convention or of such Protocol, as the case may be and, unless expressly provided otherwise, a reference to this Convention or its Protocols constitutes at the same time a reference
to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.

2. Except as may be otherwise provided in any Protocol with respect to its annexes, the following procedures shall apply to the proposal, adoption and entry into force of additional annexes to this Convention or of annexes to a protocol:

(a) Annexes to this Convention and its Protocols shall be proposed and adopted according to the procedures laid down in Article 17, paragraphs 1, 2, 3, and 4 of the present Convention,

(b) Any Party that is unable to accept an additional annex to this Convention or an annex to any Protocol to which it is Party shall so notify the Depository, in writing, within six months from the date of the communication of the adoption by the Depository. The Depository shall without delay notify all Parties of any such notification received. A Party may at any time substitute an acceptance for a previous declaration of objection and the annexes shall thereupon enter into force for that Party;

(c) Upon the expiration of six months from the date of the circulation of the communication by the Depository, the annex shall become effective for all Parties to this Convention or to any Protocol concerned, which have not submitted a notification in accordance with the provision of sub-paragraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any Protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to a Protocol. Annexes and amendments thereto shall take due account, inter alia, of relevant scientific and technical considerations.

4. If an additional annex or an amendment to an annex involves an amendment to this Convention or to any Protocol, the additional annex or amended annex shall not enter into force until such time as the amendment to this Convention or to the Protocol enters into force.

Article 19. Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention must inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. The Secretariat shall carry out a verification of the substance of the allegation and submit a report thereof to all the Parties to this convention.

Article 20. Settlement of Disputes

1. In case of dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any Protocol thereto, the Parties shall seek a settlement of the dispute through negotiations or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute as provided in paragraph 1 of this Article, the dispute shall be submitted either to an Ad Hoc organ set up by the Conference for this purpose or to the International Court of Justice.

3. The conduct of arbitration of disputes between Parties by the Ad Hoc organ provided for in paragraph 2 of this Article shall be as provided in Annex V of this Convention.

Article 21. Signature

This Convention shall be open for signature by Member States of the OAU in Bamako and Addis Ababa for a period of six months from 30 January, 1991 to 31 July, 1991.

Article 22. Ratification, Acceptance, Formal Confirmation or Approval

1. This Convention shall be subject to ratification, acceptance, formal confirmation or approval by Member States of the OAU. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depository.

2. Parties shall be bound by all obligations of this Convention.

Article 23. Accession

This Convention shall be open for accession by Member States of the OAU from the date after the day on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depository.

Article 24. Right to Vote

Each Contracting Party to this Convention shall have one vote.

Article 25. Entry into Force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the tenth instrument of ratification from Parties signatory to this Convention.

2. For each State which ratifies this Convention or accedes thereto after the date of deposit of the tenth instrument of ratification, it shall enter into force on the ninetieth day after the date of deposit by such State of its instrument of accession or ratification.

Article 26. Reservations and Declarations

1. No reservations or exception may be made to this Convention.

2. Paragraph 1 of this Article does not preclude a State when signing, ratifying, or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport
to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

Article 27. Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depository.

2. Withdrawal shall be effective one year after receipt of notification by the Depository, or on such later date as may be specified in the notification.

3. Withdrawal shall not exempt the withdrawing Party from fulfilling any obligations it might have incurred under this Convention.

Article 28. Depository

The Secretary-General of the Organization of African Unity shall be the Depository for this Convention and of any Protocol thereto.

Article 29. Registration

This Convention, as soon as it enters into force, shall be registered with the Secretary-General of the United Nations Organization in conformity with Article 102 of the Charter of the United Nations.

Article 30. Authentic Texts

The Arabic, English, French and Portuguese texts of this Convention are equally authentic.

In witness whereof, the undersigned, being duly authorized to that effect, have signed this Convention.

Adopted in Bamako, Mali, on 30 January 1991.
### ANNEX I. CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

**Waste Streams**

- Y0 All wastes containing or contaminated by radionuclides, the concentration or properties of which result from human activity.
- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics.
- Y2 Wastes from the production and preparation of pharmaceutical products.
- Y3 Waste pharmaceuticals, drugs and medicines.
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals.
- Y5 Wastes from the manufacture, formulation and use of wood preserving chemicals.
- Y6 Wastes from the production, formulation and use of organic solvents.
- Y7 Wastes from heat treatment and tempering operations containing cyanides.
- Y8 Waste mineral oils unfit for their originally intended use.
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCBs) and/or polybrominated biphenyls (PBBs).
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish.
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives.
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human and/or environment are not known.
- Y15 Wastes of an explosive nature not subject to other legislation.
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials.
- Y17 Wastes resulting from surface treatment of metals and plastics.
- Y18 Residues arising from industrial waste disposal operations.
- Y46 Wastes collected from households, including sewage and sewage sludges.
- Y46 Residues arising from the incineration of household wastes.
- Wastes having as constituents:
  - Y19 Metal Carbonyls.
  - Y20 Beryllium; beryllium compounds.
  - Y21 Hexavalent chromium compounds.
### ANNEX II. LIST OF HAZARDOUS CHARACTERISTICS

<table>
<thead>
<tr>
<th>UN Class</th>
<th>Code Characteristics</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>H1 Explosive</td>
</tr>
<tr>
<td></td>
<td>An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction or producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.</td>
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<tr>
<td>3.</td>
<td>H3 Flammable liquids</td>
</tr>
<tr>
<td></td>
<td>The word &quot;flammable&quot; has the same meaning as inflammable. Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapor at temperatures of not more than 60.5 degrees C, closed up test, or not more than 65.6 degrees C, open cup test. (Since the results of open cup tests and of closed up tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such difference would be within the spirit of this definition).</td>
</tr>
<tr>
<td>4.1.</td>
<td>H4.1 Flammable solids</td>
</tr>
<tr>
<td></td>
<td>Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.</td>
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<tr>
<td>4.2.</td>
<td>H4.2 Substances or wastes liable to spontaneous combustion</td>
</tr>
<tr>
<td></td>
<td>Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.</td>
</tr>
<tr>
<td>4.3.</td>
<td>H4.3 Substances or wastes which, in contact with water emit flammable gases</td>
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<tr>
<td></td>
<td>Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.</td>
</tr>
<tr>
<td>5.1.</td>
<td>H5.1 Oxidizing</td>
</tr>
<tr>
<td></td>
<td>Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen, cause or contribute to the combustion of other materials.</td>
</tr>
<tr>
<td>5.2.</td>
<td>H5.2 Organic peroxides</td>
</tr>
<tr>
<td></td>
<td>Organic substances or wastes which contain the bivalent -0-0-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.</td>
</tr>
</tbody>
</table>
UN Class Code Characteristics

6.1 H6.1 Poisonous (Acute)
Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.

6.2 H6.2 Infectious Substances
Substances or wastes containing viable microorganisms or their toxins which are known or suspected to cause disease in animals or humans.

8. H8 Corrosives
Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.

9. H10 Liberation of toxic gases in contact with air or water.
Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.

9. H11 Toxic (Delayed or Chronic)
Substances or wastes which, if they are inhaled or ingested, or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.

9. H12 Ecotoxic
Substances or wastes which if released, present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effect upon biotic systems.

9. H13
Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.


ANNEX III. DISPOSAL OPERATIONS

D1 Deposit into or onto land (e.g., landfill, etc.).
D2 Land treatment (e.g., biodegradation of liquid or sludgy discards in soils, etc.).
D3 Deep injection (e.g., injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.).
D4 Surface impoundment (e.g. placement of liquid into lined discrete cells which are capped and isolated from one another and the environment, etc.).
D6 Release into a water body except seas/oceans.
D7 Release into seas/oceans including sea-bed insertion.
D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Annex III.
D9 Physico-chemical treatment not specified elsewhere in the Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Annex III (e.g. evaporation, drying, calcination, neutralization, precipitation, etc.).
D10 Incineration on land.
D11 Incineration at sea.
D12 Permanent storage (e.g. emplacement of containers in a mine, etc.).
D13 Blending or mixing prior to submission to any of the operations in Annex III.
D14 Repackaging prior to submission to any of the operations in Annex III.
D15 Storage pending any of the operations in Annex III.
D16 Use of fuel (other than in direct incineration) or other means to generate energy.
D17 Solvent reclamation/ regeneration.
D18 Recycling/reclamation of organic substances which are not used as solvents.
D19 Recycling/reclamation of metals and metal compounds.
D20 Recycling/reclamation of other inorganic materials.
D21 Regeneration of acids and bases.
D22 Recovery of components used for pollution abatement.
D23 Recovery of components from catalysts.
D24 Used oil re-refining or other reuses of previously used oil.
D25 Land treatment resulting in benefit to agriculture or ecological improvement.
D26 Uses of residual materials obtained from any of the operations numbered D1-25.
D27 Exchange of wastes for submission to any of the operations numbered D1-26.
D28 Accumulation of material intended for any operation in Annex III.
ANNEX IVA. ENFORCEMENT TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export.
2. Exporter of the waste 1/
3. Generator(s) of the waste and site of generation 1/
4. Importer and Disposer of the waste and actual site of disposal 1/
5. Intended carrier(s) of the waste or their agents, if known 1/
7. Competent authority 2/
8. Projected date of shipment and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit).
9. Means of transport envisaged (road, rail, sea, air, inland waters).
10. Information relating to insurance.
11. Designation and physical description of the waste including Y number and UN number and its composition 4/ and information on any special handling requirements including emergency provisions in case of accidents.
12. Type of packaging envisaged (e.g. bulk, drum, tanker).
14. Process by which the waste is generated 5/
15. Waste classification from Annex II: Hazardous characteristics, H number, and UN Class.
16. Method of disposal as per Annex III.
17. Declaration by the generator and exporter that the information is correct.
18. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there was no reason to believe that the wastes will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import.
19. Information concerning the contact between the exporter and disposer.

NOTES

1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex, or telefax number of the person to be contacted.
2/ Full name and address, telephone, telex or telefax number.
3/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier, and disposer.

4/ The nature and concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.

5/ Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.
ANNEX IV B. INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste 1/
2. Generator(s) of the waste and site of generation 1/
3. Importer and disposer of the waste and actual site of disposal 1/
4. Carrier(s) of the waste 1/ or his agent(s).
5. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste.
6. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated.
7. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable).
8. Information on special handling requirements including emergency provisions in case of accidents.
9. Type and number of packages.
10. Quantity in weight/volume.
11. Declaration by the generator or exporter that the information is correct.
12. Declaration by disposer or exporter indicating no objection from the competent authorities of all States concerned.
13. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the appropriate date of disposal.

NOTES
The information required on the movement document shall, where possible, be integrated into one document with that required under transport rules. Where this is not possible, the information should complement rather than duplicate that required under the transport rules. The movement document shall carry instruction as to who is to provide information and fill out any form.

1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.

ANNEX V. ARBITRATION

Article 1

Unless the agreement referred to in Article 20 of the Convention provides otherwise, the arbitration procedure shall be conducted in accordance with Articles 2 to 10 below.

Article 2

The claimant Party shall notify the Secretariat that the Parties have agreed to submit the dispute to arbitration pursuant to paragraph 1 or paragraph 2 of Article 20 of the Convention and include, in particular, the Articles of the Convention, and the interpretation or application of which are at issue. The Secretariat shall forward the information thus received to all Parties to the Convention.

Article 3

The Arbitral Tribunal shall consist of three members. Each of the Parties to the dispute shall appoint an arbitrator, and the two arbitrators so appointed shall designate by common agreement, the third arbitrator, who shall be the Chairman of the Tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in one of the Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the Chairman of the Arbitral Tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the OAU shall, at the request of either Party, designate him within a further two months' period.

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of the receipt of the request, the other Party may inform the Secretary-General of the OAU who shall designate the Chairman of the Arbitral Tribunal within a further two months period. Upon designation, the Chairman of the Arbitral Tribunal shall request the Party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the OAU who shall make this appointment within a further two months' period.

Article 5

1. The Arbitral Tribunal shall render its decision in accordance with international law and in accordance with the provisions of this Convention.

2. Any Arbitral Tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.
Article 6

1. The decision of the Arbitral Tribunal both on procedure and on substance, shall be taken by majority vote of its members.

2. The Tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a Party in the dispute shall not constitute an impediment to the proceedings.

Article 7

The Tribunal may hear and determine counter-claims arising directly out of the subject-matter of the dispute.

Article 8

Unless the Arbitral Tribunal determines otherwise because of the particular circumstances of the case, the expenses of the Tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares. The Tribunal shall keep a record of all its expenses, and shall furnish a final statement thereof to the Parties.

Article 9

Any Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the Tribunal.

Article 10

1. The Tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

2. The award of the Arbitral Tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.

3. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by either Party to the Arbitral Tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

Adopted in Bamako, Mali, on 30 January 1991.
<table>
<thead>
<tr>
<th>Country</th>
<th>Signature and name in full</th>
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<tbody>
<tr>
<td>35. Rwanda</td>
<td>Mr. Rukira Isidore Jean Baptiste, Ambassador of the Rwandese Republic 26 Aug 1991</td>
</tr>
<tr>
<td>36. Sahrawi Arab Democratic Republic</td>
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<td>37. Sao Tome &amp; Principe</td>
<td>30 Jan 1991</td>
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<td>38. Senegal</td>
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<td>30 Jan 1991</td>
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<td>40. Sierra Leone</td>
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<td>41. Somalia</td>
<td>Abdullahi Sheikh Ismail, Minister of State for Foreign Affairs of Somalia 01 Jun 1991</td>
</tr>
<tr>
<td>42. Sudan</td>
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<td>43. Swaziland</td>
<td>H.E. Hon. Obed M. Dlamini, Prime Minister of the Kingdom of Swaziland 29 Jun 1992</td>
</tr>
<tr>
<td>45. Chad</td>
<td>Mr. Mahamat Ahmed Kosso, Chargé d’Affaires a.i. of Chad in Ethiopia 27 Jan 1992</td>
</tr>
<tr>
<td>46. Togo</td>
<td>30 Jan 1991</td>
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<td>47. Tunisia</td>
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<td>51. Zimbabwe</td>
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Treaty Series

Treaties and international agreements registered or filed and recorded with the Secretariat of the United Nations

VOLUME 2256

Recueil des Traités

Traités et accords internationaux enregistrés ou classés et inscrits au répertoire au Secrétariat de l’Organisation des Nations Unies

No. 40214

Multilateral


Entry into force: 17 May 2004, in accordance with article 26 (1) (see following page)

Authentic texts: Arabic, Chinese, English, French, Russian and Spanish

Registration with the Secretariat of the United Nations: ex officio, 17 May 2004

See also No. A-40214 in volume 2261.

Multilatéral


Entrée en vigueur : 17 mai 2004, conformément au paragraphe 1 de l'article 26 (voir la page suivante)

Textes authentiques : arabe, chinois, anglais, français, russe et espagnol


Voir aussi No A-40214 du volume 2261.
STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

The Parties to this Convention,

Recognizing that persistent organic pollutants possess toxic properties, resist degradation, bio accumulate and are transported, through air, water and migratory species, across international boundaries and deposited far from their place of release, where they accumulate in terrestrial and aquatic ecosystems,

Aware of the health concerns, especially in developing countries, resulting from local exposure to persistent organic pollutants, in particular impacts upon women and, through them, upon future generations,

Acknowledging that the Arctic ecosystems and indigenous communities are particularly at risk because of the bio magnification of persistent organic pollutants and that contamination of their traditional foods is a public health issue,

Conscious of the need for global action on persistent organic pollutants,

Mindful of decision 19/13 C of 7 February 1997 of the Governing Council of the United Nations Environment Programme to initiate international action to protect human health and the environment through measures which will reduce and/or eliminate emissions and discharges of persistent organic pollutants,

Recalling the pertinent provisions of the relevant international environmental conventions, especially the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal including the regional agreements developed within the framework of its Article 11,

Recalling also the pertinent provisions of the Rio Declaration on Environment and Development and Agenda 21,

Acknowledging that precaution underlies the concerns of all the Parties and is embedded within this Convention,

Recognizing that this Convention and other international agreements in the field of trade and the environment are mutually supportive,

Reaffirming 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,

Taking into account the circumstances and particular requirements of developing countries, in particular the least developed among them, and countries with economies in transition, especially the need to strengthen their national capabilities for the management of chemicals, including through the transfer of technology, the provision of financial and technical assistance and the promotion of cooperation among the Parties,

Taking full account of the Programme of Action for the Sustainable Development of Small Island Developing States, adopted in Barbados on 6 May 1994,

Noting the respective capabilities of developed and developing countries, as well as the common but differentiated responsibilities of States as set forth in Principle 7 of the Rio Declaration on Environment and Development,

Recognizing the important contribution that the private sector and non-governmental organizations can make to achieving the reduction and/or elimination of emissions and discharges of persistent organic pollutants,

Underlining the importance of manufacturers of persistent organic pollutants taking responsibility for reducing adverse effects caused by their products and for providing information to users, Governments and the public on the hazardous properties of those chemicals,

Conscious of the need to take measures to prevent adverse effects caused by persistent organic pollutants at all stages of their life cycle,

Reaffirming Principle 16 of the Rio Declaration on Environment and Development which states that 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,

Encouraging Parties not having regulatory and assessment schemes for pesticides and industrial chemicals to develop such schemes,

Recognizing the importance of developing and using environmentally sound alternative processes and chemicals,

Determined to protect human health and the environment from the harmful impacts of persistent organic pollutants,

Have agreed as follows:

Article 1. Objective

Mindful of the precautionary approach as set forth in Principle 15 of the Rio Declaration on Environment and Development, the objective of this Convention is to protect human health and the environment from persistent organic pollutants.

Article 2. Definitions

For the purposes of this Convention:

(a) "Party" means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force;

(b) "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 this Convention;
(c) "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 3. Measures to reduce or eliminate releases from intentional production and use

1. Each Party shall:
   (a) Prohibit and/or take the legal and administrative measures necessary to eliminate:
      (i) Its production and use of the chemicals listed in Annex A subject to the provisions of that Annex; and
      (ii) Its import and export of the chemicals listed in Annex A in accordance with the provisions of paragraph 2; and
   (b) Restrict its production and use of the chemicals listed in Annex B in accordance with the provisions of that Annex.

2. Each Party shall take measures to ensure:
   (a) That a chemical listed in Annex A or Annex B is imported only:
      (i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6; or
      (ii) For a use or purpose which is permitted for that Party under Annex A or Annex B;
   (b) That a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only:
      (i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;
      (ii) To a Party which is permitted to use that chemical under Annex A or Annex B; or
      (iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to:
         a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases;
         b. Comply with the provisions of paragraph 1 of Article 6; and
         c. Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B.
   The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. The exporting Party shall transmit the certification to the Secretariat within sixty days of receipt.

   (c) That a chemical listed in Annex A, for which production and use specific exemptions are no longer in effect for any Party, is not exported from it except for the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;

   (d) For the purposes of this paragraph, the term "State not Party to this Convention" shall include, with respect to a particular chemical, a State or regional economic integration organization that has not agreed to be bound by the Convention with respect to that chemical.

3. Each Party that has one or more regulatory and assessment schemes for new pesticides or new industrial chemicals shall take measures to regulate with the aim of preventing the production and use of new pesticides or new industrial chemicals which, taking into consideration the criteria in paragraph 1 of Annex D, exhibit the characteristics of persistent organic pollutants.

4. Each Party that has one or more regulatory and assessment schemes for pesticides or industrial chemicals shall, where appropriate, take into consideration within these schemes the criteria in paragraph 1 of Annex D when conducting assessments of pesticides or industrial chemicals currently in use.

5. Except as otherwise provided in this Convention, paragraphs 1 and 2 shall not apply to quantities of a chemical to be used for laboratory-scale research or as a reference standard.

6. Any Party that has a specific exemption in accordance with Annex A or a specific exemption or an acceptable purpose in accordance with Annex B shall take appropriate measures to ensure that any production or use under such exemption or purpose is carried out in a manner that prevents or minimizes human exposure and release into the environment. For exempted uses or acceptable purposes that involve intentional release into the environment under conditions of normal use, such release shall be to the minimum extent necessary, taking into account any applicable standards and guidelines.

Article 4. Register of specific exemptions

1. A Register is hereby established for the purpose of identifying the Parties that have specific exemptions listed in Annex A or Annex B. It shall not identify Parties that make use of the provisions in Annex A or Annex B that may be exercised by all Parties. The Register shall be maintained by the Secretariat and shall be available to the public.

2. The Register shall include:
   (a) A list of the types of specific exemptions reproduced from Annex A and Annex B;
   (b) A list of the Parties that have a specific exemption listed under Annex A or Annex B; and
   (c) A list of the expiry dates for each registered specific exemption.
3. Any State may, on becoming a Party, by means of a notification in writing to the Secretariat, register for one or more types of specific exemptions listed in Annex A or Annex B.

4. Unless an earlier date is indicated in the Register by a Party, or an extension is granted pursuant to paragraph 7, all registrations of specific exemptions shall expire five years after the date of entry into force of this Convention with respect to a particular chemical.

5. At its first meeting, the Conference of the Parties shall decide upon its review process for the entries in the Register.

6. Prior to a review of an entry in the Register, the Party concerned shall submit a report to the Secretariat justifying its continuing need for registration of that exemption. The report shall be circulated by the Secretariat to all Parties. The review of a registration shall be carried out on the basis of all available information. Thereupon, the Conference of the Parties may make such recommendations to the Party concerned as it deems appropriate.

7. The Conference of the Parties may, upon request from the Party concerned, decide to extend the expiry date of a specific exemption for a period of up to five years. In making its decision, the Conference of the Parties shall take due account of the special circumstances of the developing country Parties and Parties with economies in transition.

8. A Party may, at any time, withdraw an entry from the Register for a specific exemption upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification.

9. When there are no longer any Parties registered for a particular type of specific exemption, no new registrations may be made with respect to it.

Article 5. Measures to reduce or eliminate releases from unintentional production

Each Party shall at a minimum take the following measures to reduce the total releases derived from anthropogenic sources of each of the chemicals listed in Annex C, with the goal of their continuing minimization and, where feasible, ultimate elimination:

(a) Develop an action plan or, where appropriate, a regional or subregional action plan within two years of the date of entry into force of this Convention for it, and subsequently implement it as part of its implementation plan specified in Article 7, designed to identify, characterize and address the release of the chemicals listed in Annex C and to facilitate implementation of subparagraphs (b) to (e). The action plan shall include the following elements:

(i) An evaluation of current and projected releases, including the development and maintenance of source inventories and release estimates, taking into consideration the source categories identified in Annex C;

(ii) An evaluation of the efficacy of the laws and policies of the Party relating to the management of such releases;

(iii) Strategies to meet the obligations of this paragraph, taking into account the evaluations in (i) and (ii);

(iv) Steps to promote education and training with regard to, and awareness of, those strategies;

(v) A review every five years of those strategies and of their success in meeting the obligations of this paragraph; such reviews shall be included in reports submitted pursuant to Article 15;

(vi) A schedule for implementation of the action plan, including for the strategies and measures identified therein;

(b) Promote the application of available, feasible and practical measures that can expeditiously achieve a realistic and meaningful level of release reduction or source elimination;

(c) Promote the development and, where it deems appropriate, require the use of substitute or modified materials, products and processes to prevent the formation and release of the chemicals listed in Annex C, taking into consideration the general guidance on prevention and release reduction measures in Annex C and guidelines to be adopted by decision of the Conference of the Parties;

(d) Promote and, in accordance with the implementation schedule of its action plan, require the use of best available techniques for new sources within source categories which a Party has identified as warranting such action in its action plan, with a particular initial focus on source categories identified in Part II of Annex C. In any case, the requirement to use best available techniques for new sources in the categories listed in Part II of that Annex shall be phased in as soon as practicable but no later than four years after the entry into force of the Convention for that Party. For the identified categories, Parties shall promote the use of best environmental practices. When applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in that Annex and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;

(e) Promote, in accordance with its action plan, the use of best available techniques and best environmental practices:

(i) For existing sources, within the source categories listed in Part II of Annex C and within source categories such as those in Part III of that Annex; and

(ii) For new sources, within source categories such as those listed in Part III of Annex C which a Party has not addressed under subparagraph (d).

When applying best available techniques and best environmental practices, Parties should take into consideration the general guidance on prevention and release reduction measures in Annex C and guidelines on best available techniques and best environmental practices to be adopted by decision of the Conference of the Parties;

(f) For the purposes of this paragraph and Annex C:
(i) “Best available techniques” means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for release limitations designed to prevent, and, where that is not practicable, generally to reduce releases of chemicals listed in Part I of Annex C and their impact on the environment as a whole. In this regard:

(ii) “Techniques” includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

(iii) “Available” techniques means those techniques that are accessible to the operator and that are developed on a scale that allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages; and

(iv) “Best” means most effective in achieving a high general level of protection of the environment as a whole;

(v) “Best environmental practices” means the application of the most appropriate combination of environmental control measures and strategies;

(vi) “New source” means any source of which the construction or substantial modification is commenced at least one year after the date of:

a. Entry into force of this Convention for the Party concerned; or

b. Entry into force for the Party concerned of an amendment to Annex C where the source becomes subject to the provisions of this Convention only by virtue of that amendment.

(g) Release limit values or performance standards may be used by a Party to fulfill its commitments for best available techniques under this paragraph.

Article 6. Measures to reduce or eliminate releases from stockpiles and wastes

1. In order to ensure that stockpiles consisting of or containing chemicals listed either in Annex A or Annex B and wastes, including products and articles upon becoming wastes, consisting of, containing or contaminated with a chemical listed in Annex A, B or C, are managed in a manner protective of human health and the environment, each Party shall:

(a) Develop appropriate strategies for identifying:

(i) Stockpiles consisting of or containing chemicals listed either in Annex A or Annex B; and

(ii) Products and articles in use and wastes consisting of, containing or contaminated with a chemical listed in Annex A, B or C;

(b) Identify, to the extent practicable, stockpiles consisting of or containing chemicals listed either in Annex A or Annex B on the basis of the strategies referred to in subparagraph (a);

(c) Manage stockpiles, as appropriate, in a safe, efficient and environmentally sound manner. Stockpiles of chemicals listed either in Annex A or Annex B, after they are no longer allowed to be used according to any specific exemption specified in Annex A or any specific exemption or acceptable purpose specified in Annex B, except stockpiles which are allowed to be exported according to paragraph 2 of Article 3, shall be deemed to be waste and shall be managed in accordance with subparagraph (d);

(d) Take appropriate measures so that such wastes, including products and articles upon becoming wastes, are:

(i) Handled, collected, transported and stored in an environmentally sound manner;

(ii) Disposed of in such a way that the persistent organic pollutant content is destroyed or irreversibly transformed so that they do not exhibit the characteristics of persistent organic pollutants or otherwise disposed of in an environmentally sound manner when destruction or irreversible transformation does not represent the environmentally preferable option or the persistent organic pollutant content is low, taking into account international rules, standards, and guidelines, including those that may be developed pursuant to paragraph 2, and relevant global and regional regimes governing the management of hazardous wastes;

(iii) Not permitted to be subjected to disposal operations that may lead to recovery, recycling, reclaimed, direct reuse or alternative uses of persistent organic pollutants; and

(iv) Not transported across international boundaries without taking into account relevant international rules, standards and guidelines;

(e) Endeavour to develop appropriate strategies for identifying sites contaminated by chemicals listed in Annex A, B or C; if remediation of those sites is undertaken it shall be performed in an environmentally sound manner.

2. The Conference of the Parties shall cooperate closely with the appropriate bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to, inter alia:

(a) Establish levels of destruction and irreversible transformation necessary to ensure that the characteristics of persistent organic pollutants as specified in paragraph 1 of Annex D are not exhibited;

(b) Determine what they consider to be the methods that constitute environmentally sound disposal referred to above; and

(c) Work to establish, as appropriate, the concentration levels of the chemicals listed in Annexes A, B and C in order to define the low persistent organic pollutant content referred to in paragraph 1 (d) (ii).
Article 7. Implementation plans

1. Each Party shall:
   (a) Develop and endeavour to implement a plan for the implementation of its obligations under this Convention;
   (b) Transmit its implementation plan to the Conference of the Parties within two years of the date on which this Convention enters into force for it; and
   (c) Review and update, as appropriate, its implementation plan on a periodic basis and in a manner to be specified by a decision of the Conference of the Parties.

2. The Parties shall, where appropriate, cooperate directly or through global, regional and subregional organizations, and consult their national stakeholders, including women's groups and groups involved in the health of children, in order to facilitate the development, implementation and updating of their implementation plans.

3. The Parties shall endeavour to utilize and, where necessary, establish the means to integrate national implementation plans for persistent organic pollutants in their sustainable development strategies where appropriate.

Article 8. Listing of chemicals in Annexes A, B and C

1. A Party may submit a proposal to the Secretariat for listing a chemical in Annexes A, B and/or C. The proposal shall contain the information specified in Annex D. In developing a proposal, a Party may be assisted by other Parties and/or by the Secretariat.

2. The Secretariat shall verify whether the proposal contains the information specified in Annex D. If the Secretariat is satisfied that the proposal contains the information so specified, it shall forward the proposal to the Persistent Organic Pollutants Review Committee.

3. The Committee shall examine the proposal and apply the screening criteria specified in Annex D in a flexible and transparent way, taking all information provided into account in an integrative and balanced manner.

4. If the Committee decides that:
   (a) It is satisfied that the screening criteria have been fulfilled, it shall, through the Secretariat, make the proposal and the evaluation of the Committee available to all Parties and observers and invite them to submit the information specified in Annex E; or
   (b) It is not satisfied that the screening criteria have been fulfilled, it shall, through the Secretariat, inform all Parties and observers and make the proposal and the evaluation of the Committee available to all Parties and the proposal shall be set aside.

5. Any Party may resubmit a proposal to the Committee that has been set aside by the Committee pursuant to paragraph 4. The resubmission may include any concerns of the Party as well as a justification for additional consideration by the Committee. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of the Parties shall consider the matter at its next session. The Conference of the Parties may decide, based on the screening criteria in Annex D and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed.

6. Where the Committee has decided that the screening criteria have been fulfilled, or the Conference of the Parties has decided that the proposal should proceed, the Committee shall further review the proposal, taking into account any relevant additional information received, and shall prepare a draft risk profile in accordance with Annex F. It shall, through the Secretariat, make that draft available to all Parties and observers, collect technical comments from them and, taking those comments into account, complete the risk profile.

7. If, on the basis of the risk profile conducted in accordance with Annex E, the Committee decides:
   (a) That the chemical is likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects such that global action is warranted, the proposal shall proceed. Lack of full scientific certainty shall not prevent the proposal from proceeding. The Committee shall, through the Secretariat, invite information from all Parties and observers relating to the considerations specified in Annex F. It shall then prepare a risk management evaluation that includes an analysis of possible control measures for the chemical in accordance with that Annex; or
   (b) That the proposal should not proceed, it shall, through the Secretariat, make the risk profile available to all Parties and observers and set the proposal aside.

8. For any proposal set aside pursuant to paragraph 7 (b), a Party may request the Conference of the Parties to consider instructing the Committee to invite additional information from the proposing Party and other Parties during a period not to exceed one year. After that period and on the basis of any information received, the Committee shall reconsider the proposal pursuant to paragraph 6 with a priority to be decided by the Conference of the Parties. If, following this procedure, the Committee again sets the proposal aside, the Party may challenge the decision of the Committee and the Conference of the Parties shall consider the matter at its next session. The Conference of the Parties may decide, based on the risk profile prepared in accordance with Annex E and taking into account the evaluation of the Committee and any additional information provided by any Party or observer, that the proposal should proceed. If the Conference of the Parties decides that the proposal shall proceed, the Committee shall then prepare the risk management evaluation.

9. The Committee shall, based on the risk profile referred to in paragraph 6 and the risk management evaluation referred to in paragraph 7 (a) or paragraph 8, recommend whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C. The Conference of the Parties, taking due account of the recommendations of the Committee, including any scientific uncertainty, shall decide, in a precautionary manner, whether to list the chemical, and specify its related control measures, in Annexes A, B and/or C.

Article 9. Information exchange

1. Each Party shall facilitate or undertake the exchange of information relevant to:
(a) The reduction or elimination of the production, use and release of persistent organic pollutants; and
(b) Alternatives to persistent organic pollutants, including information relating to their risks as well as to their economic and social costs.

2. The Parties shall exchange the information referred to in paragraph 1 directly or through the Secretariat.

3. Each Party shall designate a national focal point for the exchange of such information.

4. The Secretariat shall serve as a clearing-house mechanism for information on persistent organic pollutants, including information provided by Parties, intergovernmental organizations and non-governmental organizations.

5. For the purposes of this Convention, information on health and safety of humans and the environment shall not be regarded as confidential. Parties that exchange other information pursuant to this Convention shall protect any confidential information as mutually agreed.

**Article 10. Public information, awareness and education**

1. Each Party shall, within its capabilities, promote and facilitate:
   (a) Awareness among its policy and decision makers with regard to persistent organic pollutants;
   (b) Provision to the public of all available information on persistent organic pollutants, taking into account paragraph 5 of Article 9;
   (c) Development and implementation, especially for women, children and the least educated, of educational and public awareness programmes on persistent organic pollutants, as well as on their health and environmental effects and on their alternatives;
   (d) Public participation in addressing persistent organic pollutants and their health and environmental effects and in developing adequate responses, including opportunities for providing input at the national level regarding implementation of this Convention;
   (e) Training of workers, scientists, educators and technical and managerial personnel;
   (f) Development and exchange of educational and public awareness materials at the national and international levels; and
   (g) Development and implementation of education and training programmes at the national and international levels.

2. Each Party shall, within its capabilities, ensure that the public has access to the public information referred to in paragraph 1 and that the information is kept up-to-date.

3. Each Party shall, within its capabilities, encourage industry and professional users to promote and facilitate the provision of the information referred to in paragraph 1 at the national level and, as appropriate, subregional, regional and global levels.

4. In providing information on persistent organic pollutants and their alternatives, Parties may use safety data sheets, reports, mass media and other means of communication, and may establish information centres at national and regional levels.

5. Each Party shall give sympathetic consideration to developing mechanisms, such as pollutant release and transfer registers, for the collection and dissemination of information on estimates of the annual quantitiae of the chemicals listed in Annex A, D or C that are released or disposed of.

**Article 11. Research, development and monitoring**

1. The Parties shall, within their capabilities, at the national and international levels, encourage and/or undertake appropriate research, development, monitoring and cooperation pertaining to persistent organic pollutants and, where relevant, to their alternatives and to candidate persistent organic pollutants, including on their:
   (a) Sources and releases into the environment;
   (b) Presence, levels and trends in humans and the environment;
   (c) Environmental transport, fate and transformation;
   (d) Effects on human health and the environment;
   (e) Socio-economic and cultural impacts;
   (f) Release reduction and/or elimination; and
   (g) Harmonized methodologies for making inventories of generating sources and analytical techniques for the measurement of releases.

2. In undertaking action under paragraph 1, the Parties shall, within their capabilities:
   (a) Support and further develop, as appropriate, international programmes, networks and organizations aimed at defining, conducting, assessing and financing research, data collection and monitoring, taking into account the need to minimize duplication of effort;
   (b) Support national and international efforts to strengthen national scientific and technical research capabilities, particularly in developing countries and countries with economies in transition, and to promote access to, and the exchange of, data and analyses;
   (c) Take into account the concerns and needs, particularly in the field of financial and technical resources, of developing countries and countries with economies in transition and cooperate in improving their capability to participate in the efforts referred to in subparagraphs (a) and (b);
   (d) Undertake research work geared towards alleviating the effects of persistent organic pollutants on reproductive health;
   (e) Make the results of their research, development and monitoring activities referred to in this paragraph accessible to the public on a timely and regular basis; and
   (f) Encourage and/or undertake cooperation with regard to storage and maintenance of information generated from research, development and monitoring.
Article 12. Technical assistance

1. The Parties recognize that rendering of timely and appropriate technical assistance in response to requests from developing country Parties and Parties with economies in transition is essential to the successful implementation of this Convention.

2. The Parties shall cooperate to provide timely and appropriate technical assistance to developing country Parties and Parties with economies in transition, to assist them, taking into account their particular needs, to develop and strengthen their capacity to implement their obligations under this Convention.

3. In this regard, technical assistance to be provided by developed country Parties, and other Parties in accordance with their capabilities, shall include, as appropriate and as mutually agreed, technical assistance for capacity-building relating to implementation of the obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.

4. The Parties shall establish, as appropriate, arrangements for the purpose of providing technical assistance and promoting the transfer of technology to developing country Parties and Parties with economies in transition relating to the implementation of this Convention. These arrangements shall include regional and subregional centres for capacity-building and transfer of technology to assist developing country Parties and Parties with economies in transition to fulfill their obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.

5. The Parties shall, in the context of this Article, take full account of the specific needs and special situation of least developed countries and small island developing states in their actions with regard to technical assistance.

Article 13. Financial resources and mechanisms

4. The extent to which the 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 relating to financial resources, technical assistance and technology transfer. The fact that sustainable economic and social development and eradication of poverty are the first and overriding priorities of the developing country Parties will be taken fully into account, giving due consideration to the need for the protection of human health and the environment.

5. The Parties shall take full account of the specific needs and special situation of the least developed countries and the small island developing states in their actions with regard to funding.

6. A mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition on a grant or concessional basis to assist in their implementation of the Convention is hereby defined. The mechanism shall function under the authority, as appropriate, and guidance of, and be accountable to the Conference of the Parties for the purposes of this Convention. Its operation shall be entrusted to one or more entities, including existing international entities, as may be decided upon by the Conference of the Parties. The mechanism may also include other entities providing multilateral, regional and bilateral financial and technical assistance. Contributions to the mechanism shall be additional to other financial transfers to developing country Parties and Parties with economies in transition as reflected in, and in accordance with, paragraph 2.

7. Pursuant to the objectives of this Convention and paragraph 6, the Conference of the Parties shall at its first meeting adopt appropriate guidance to be provided to the mechanism and shall agree with the entity or entities participating in the financial mechanism upon arrangements to give effect thereto. The guidance shall address, inter alia:

(a) The determination of the policy, strategy and programme priorities, as well as clear and detailed criteria and guidelines regarding eligibility for access to and utilization of financial resources including monitoring and evaluation on a regular basis of such utilization;

(b) The provision by the entity or entities of regular reports to the Conference of the Parties on adequacy and sustainability of funding for activities relevant to the implementation of this Convention;

(c) The promotion of multiple-source funding approaches, mechanisms and arrangements;

(d) The modalities for the determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention, keeping in mind that the phasing out of persistent organic pollutants might require sustained funding, and the conditions under which that amount shall be periodically reviewed; and

(e) The modalities for the provision to interested Parties of assistance with needs assessment, information on available sources of funds and on funding patterns in order to facilitate coordination among them.
8. The Conference of the Parties shall review, not later than its second meeting and thereafter on a regular basis, the effectiveness of the mechanism established under this Article, its ability to address the changing needs of the developing country Parties and Parties with economies in transition, the criteria and guidance referred to in paragraph 7, the level of funding as well as the effectiveness of the performance of the institutional entities entrusted to operate the financial mechanism. It shall, based on such review, take appropriate action, if necessary, to improve the effectiveness of the mechanism, including by means of recommendations and guidance on measures to ensure adequate and sustainable funding to meet the needs of the Parties.

**Article 14. Interim financial arrangements**

The institutional structure of the Global Environment Facility, operated in accordance with the Instrument for the Establishment of the Restructured Global Environment Facility, shall, on an interim basis, be the principal entity entrusted with the operations of the financial mechanism referred to in Article 13, for the period between the date of entry into force of this Convention and the first meeting of the Conference of the Parties, or until such time as the Conference of the Parties decides which institutional structure will be designated in accordance with Article 13. The institutional structure of the Global Environment Facility should fulfill this function through operational measures related specifically to persistent organic pollutants taking into account that new arrangements for this area may be needed.

**Article 15. Reporting**

1. Each Party shall report to the Conference of the Parties on the measures it has taken to implement the provisions of this Convention and on the effectiveness of such measures in meeting the objectives of the Convention.

2. Each Party shall provide to the Secretariat:
   - (a) statistical data on its total quantities of production, import and export of each of the chemicals listed in Annex A and Annex B or a reasonable estimate of such data; and
   - (b) to the extent practicable, a list of the States from which it has imported each such substance and the States to which it has exported each such substance.

3. Such reporting shall be at periodic intervals and in a format to be decided by the Conference of the Parties at its first meeting.

**Article 16. Effectiveness evaluation**

1. Commencing four years after the date of entry into force of this Convention, and periodically thereafter at intervals to be decided by the Conference of the Parties, the Conference shall evaluate the effectiveness of this Convention.

2. In order to facilitate such evaluation, the Conference of the Parties shall, at its first meeting, initiate the establishment of arrangements to provide itself with comparable monitoring data on the presence of the chemicals listed in Annexes A, B and C as well as their regional and global environmental transport. These arrangements:

   - (a) Should be implemented by the Parties on a regional basis when appropriate, in accordance with their technical and financial capabilities, using existing monitoring programmes and mechanisms to the extent possible and promoting harmonization of approaches;
   - (b) May be supplemented where necessary, taking into account the differences between regions and their capabilities to implement monitoring activities, and
   - (c) Shall include reports to the Conference of the Parties on the results of the monitoring activities on a regional and global basis at intervals to be specified by the Conference of the Parties.

3. The evaluation described in paragraph 1 shall be conducted on the basis of available scientific, environmental, technical and economic information, including:
   - (a) Reports and other monitoring information provided pursuant to paragraph 2;
   - (b) National reports submitted pursuant to Article 15; and
   - (c) Non-compliance information provided pursuant to the procedures established under Article 17.

**Article 17. Non-compliance**

The Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for the treatment of Parties found to be in non-compliance.

**Article 18. Settlement of disputes**

1. Parties shall settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the depositary that, with respect to any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:
   - (a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable;
   - (b) Submission of the dispute to the International Court of Justice.

3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a).

4. A declaration made pursuant to paragraph 2 or paragraph 3 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the depositary.
5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the parties to the dispute otherwise agree.

6. If the parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2, and if they have not been able to settle their dispute within twelve months following notification by one party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than at its second meeting.

Article 19. Conference of the Parties

1. A Conference of the Parties is hereby established.

2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme no 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 decided by the Conference.

3. 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 it is supported by at least one third of the Parties.

4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.

5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall:

(a) Establish, further to the requirements of paragraph 6, such subsidiary bodies as it considers necessary for the implementation of the Convention;

(b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and

(c) Regularly review all information made available to the Parties pursuant to Article 15, including consideration of the effectiveness of paragraph 2 (b) (iii) of Article 3;

(d) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.

6. The Conference of the Parties shall, at its first meeting, establish a subsidiary body to be called the Persistent Organic Pollutants Review Committee for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:

(a) The members of the Persistent Organic Pollutants Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of government-designated experts in chemical assessment or management. The members of the Committee shall be appointed on the basis of equitable geographical distribution;

(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee; and

(c) The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.

7. The Conference of the Parties shall, at its third meeting, evaluate the continued need for the procedure contained in paragraph 2 (b) of Article 3, including consideration of its effectiveness.

8. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 20. Secretariat

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

(a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;

(b) To facilitate assistance to the Parties, particularly developing country Parties and Parties with economies in transition, on request, in the implementation of this Convention;

(c) To ensure the necessary coordination with the secretariats of other relevant international bodies;

(d) To prepare and make available to the Parties periodic reports based on information received pursuant to Article 15 and other available information;

(e) 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

(f) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

3. The secretariat functions for this Convention shall be performed by the Executive Director of the United Nations Environment Programme, unless the Conference of the Parties decides, by a three-fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other international organizations.
Article 21. Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to this Convention and, for information, to the depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting.

4. The amendment shall be communicated by the depositary to all Parties for ratification, acceptance or approval.

5. Ratification, acceptance or approval of an amendment shall be notified to the depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties. Thereafter, 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 ratification, acceptance or approval of the amendment.

Article 22. Adoption and amendment of annexes

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.

2. Any additional annexes shall be restricted to procedural, scientific, technical or administrative matters.

3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:

   (a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1, 2 and 3 of Article 21;

   (b) Any Party that is unable to accept an additional annex shall so notify the depositary, in writing, within one year from the date of communication by the depositary of the adoption of the additional annex. The depositary shall, without delay, notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of any additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c); and

   (c) On the expiry of one year from the date of the communication by the depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of subparagraph (b).

4. The proposal, adoption and entry into force of amendments to Annex A, B or C shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to this Convention, except that an amendment to Annex A, B or C shall not enter into force with respect to any Party that has made a declaration with respect to amendment to those Annexes in accordance with paragraph 4 of Article 25, in which case any such amendment shall enter into force for such a Party on the ninetieth day after the date of deposit with the depositary of its instrument of ratification, acceptance, approval or accession with respect to such amendment.

5. The following procedure shall apply to the proposal, adoption and entry into force of an amendment to Annex D, E or F:

   (a) Amendments shall be proposed according to the procedure in paragraphs 1 and 2 of Article 21;

   (b) The Parties shall take decisions on an amendment to Annex D, E or F by consensus; and

   (c) A decision to amend Annex D, E or F shall forthwith be communicated to the Parties by the depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.

6. If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.

Article 23. Right to vote

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

Article 24. Signature

This Convention shall be open for signature at Stockholm by all States and regional economic integration organizations on 23 May 2001, and at the United Nations Headquarters in New York from 24 May 2001 to 22 May 2002.

Article 25. Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations 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 that becomes a Party to this Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this 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 its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the depositary, who shall in turn inform the Parties, of any relevant modification in the extent of its competence.

4. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any amendment to Annex A, B or C shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

Article 26. Entry into force

1. This 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 this 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 purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.

Article 27. Reservations

No reservations may be made to this Convention.

Article 28. Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the depositary.

2. Any such withdrawal shall take effect upon the expiry of one year from the date of receipt by the depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 29. Depositary

The Secretary-General of the United Nations shall be the depositary of this Convention.

Article 30. 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 Stockholm on this twenty-second day of May, two thousand and one.

[For the list of participants see p.395 of this volume.]
### Annex A

#### ELIMINATION

### Part I

<table>
<thead>
<tr>
<th>Chemical</th>
<th>Activity</th>
<th>Specific exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aldrin* CAS No: 309-00-2</td>
<td>Production</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Use</td>
<td>Local ectoparasiticide Insecticide</td>
</tr>
<tr>
<td>Chlordane* CAS No: 57-74-9</td>
<td>Production</td>
<td>As allowed for the Parties listed in the Register</td>
</tr>
<tr>
<td></td>
<td>Use</td>
<td>Local ectoparasiticide Insecticide Termiticide</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Termiticide in buildings and dams</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Termiticide in roads</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Additive in plywood adhesives</td>
</tr>
<tr>
<td>Dieldrin* CAS No: 60-57-1</td>
<td>Production</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Use</td>
<td>In agricultural operations</td>
</tr>
<tr>
<td>Endrin* CAS No: 72-20-8</td>
<td>Production</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Use</td>
<td>None</td>
</tr>
<tr>
<td>Heptachlor* CAS No: 76-44-8</td>
<td>Production</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Use</td>
<td>Termiticide</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Termiticide in structures of houses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Termiticide (subterranean)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Wood treatment</td>
</tr>
<tr>
<td></td>
<td></td>
<td>In use in underground cable boxes</td>
</tr>
</tbody>
</table>

### Part I (cont'd)

<table>
<thead>
<tr>
<th>Chemical</th>
<th>Activity</th>
<th>Specific exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hexachlorobenzene CAS No: 118-74-1</td>
<td>Production</td>
<td>As allowed for the Parties listed in the Register</td>
</tr>
<tr>
<td></td>
<td>Use</td>
<td>Intermediate Solvent in pesticide Closed system site limited intermediate</td>
</tr>
<tr>
<td>Mirex* CAS No: 2385-85-5</td>
<td>Production</td>
<td>As allowed for the Parties listed in the Register</td>
</tr>
<tr>
<td></td>
<td>Use</td>
<td>Termiticide</td>
</tr>
<tr>
<td>Toxicphene* CAS No: 8001-35-2</td>
<td>Production</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Use</td>
<td>None</td>
</tr>
<tr>
<td>Polychlorinated Biphenyl (PCB)*</td>
<td>Production</td>
<td>None</td>
</tr>
<tr>
<td></td>
<td>Use</td>
<td>Articles in use in accordance with the provisions of Part II of this Annex</td>
</tr>
</tbody>
</table>
Notes:

(i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;

(ii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;

(iii) This note, which does not apply to a chemical that has an asterisk following its name in the Chemical column in Part I of this Annex, shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-starting material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;

(iv) All the specific exemptions in this Annex may be exercised by Parties that have registered exemptions in respect of them in accordance with Article 4 with the exception of the use of polychlorinated biphenyls in articles in use in accordance with the provisions of Part II of this Annex, which may be exercised by all Parties.

Part II
Polychlorinated biphenyls

Each Party shall:

(a) With regard to the elimination of the use of polychlorinated biphenyls in equipment (e.g. transformers, capacitors or other receptacles containing liquid stocks) by 2025, subject to review by the Conference of the Parties, take action in accordance with the following priorities:

(i) Make determined efforts to identify, label and remove from use equipment containing greater than 10 per cent polychlorinated biphenyls and volumes greater than 5 litres;

(ii) Make determined efforts to identify, label and remove from use equipment containing greater than 0.05 per cent polychlorinated biphenyls and volumes greater than 5 litres;

(iii) Endeavour to identify and remove from use equipment containing greater than 0.005 percent polychlorinated biphenyls and volumes greater than 0.05 litres;

(b) Consistent with the priorities in subparagraph (a), promote the following measures to reduce exposures and risk to control the use of polychlorinated biphenyls:

(i) Use only in intact and non-leaking equipment and only in areas where the risk from environmental release can be minimised and quickly remedied;

(ii) Not use in equipment in areas associated with the production or processing of food or feed;

(iii) When used in populated areas, including schools and hospitals, all reasonable measures to protect from electrical failure which could result in a fire, and regular inspection of equipment for leaks;

(c) Notwithstanding paragraph 2 of Article 3, ensure that equipment containing polychlorinated biphenyls, as described in subparagraph (a), shall not be exported or imported except for the purpose of environmentally sound waste management;

(d) Except for maintenance and servicing operations, not allow recovery for the purpose of reuse in other equipment of liquids with polychlorinated biphenyls content above 0.005 per cent;

(e) Make determined efforts designed to lead to environmentally sound waste management of liquids containing polychlorinated biphenyls and equipment contaminated with polychlorinated biphenyls having a polychlorinated biphenyls content above 0.005 per cent, in accordance with paragraph 1 of Article 6, as soon as possible but no later than 2028, subject to review by the Conference of the Parties;

(f) In lieu of note (ii) in Part I of this Annex, endeavour to identify other articles containing more than 0.005 per cent polychlorinated biphenyls (e.g. cable-sheaths, cured caulk and painted objects) and manage them in accordance with paragraph 1 of Article 6;
(g) Provide a report every five years on progress in eliminating polychlorinated biphenyls and submit it to the Conference of the Parties pursuant to Article 15;

(b) The reports described in subparagraph (g) shall, as appropriate, be considered by the Conference of the Parties in its reviews relating to polychlorinated biphenyls. The Conference of the Parties shall review progress towards elimination of polychlorinated biphenyls at five year intervals or other period, as appropriate, taking into account such reports.

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### Annex B

#### RESTRICTION

### Part I

<table>
<thead>
<tr>
<th>Chemical</th>
<th>Activity</th>
<th>Acceptable purpose or specific exemption</th>
</tr>
</thead>
<tbody>
<tr>
<td>DDT</td>
<td>Production</td>
<td><strong>Acceptable purpose:</strong> Disease vector control use in accordance with Part II of this Annex</td>
</tr>
<tr>
<td>(1,1,1-trichloro-2,2-bis (4-chlorophenyl)methane)</td>
<td></td>
<td><strong>Specific exemption:</strong> Intermediate in production of diofol</td>
</tr>
<tr>
<td>CAS No: 50-29-3</td>
<td></td>
<td>Intermediate</td>
</tr>
<tr>
<td>Use</td>
<td>Acceptable purpose: Disease vector control in accordance with Part II of this Annex</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Specific exemption:</strong> Production of diofol</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Intermediate</td>
<td></td>
</tr>
</tbody>
</table>

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**Notes:**

(i) Except as otherwise specified in this Convention, quantities of a chemical occurring as unintentional trace contaminants in products and articles shall not be considered to be listed in this Annex;

(ii) This note shall not be considered as a production and use acceptable purpose or specific exemption for purposes of paragraph 2 of Article 3. Quantities of a chemical occurring as constituents of articles manufactured or already in use before or on the date of entry into force of the relevant obligation with respect to that chemical, shall not be considered as listed in this Annex, provided that a Party has notified the Secretariat that a particular type of article remains in use within that Party. The Secretariat shall make such notifications publicly available;

(iii) This note shall not be considered as a production and use specific exemption for purposes of paragraph 2 of Article 3. Given that no significant quantities of the chemical are expected to reach humans and the environment during the production and use of a closed-system site-limited intermediate, a Party, upon notification to the Secretariat, may allow the
production and use of quantities of a chemical listed in this Annex as a closed-system site-limited intermediate that is chemically transformed in the manufacture of other chemicals that, taking into consideration the criteria in paragraph 1 of Annex D, do not exhibit the characteristics of persistent organic pollutants. This notification shall include information on total production and use of such chemical or a reasonable estimate of such information and information regarding the nature of the closed-system site-limited process including the amount of any non-transformed and unintentional trace contamination of the persistent organic pollutant-containing material in the final product. This procedure applies except as otherwise specified in this Annex. The Secretariat shall make such notifications available to the Conference of the Parties and to the public. Such production or use shall not be considered a production or use specific exemption. Such production and use shall cease after a ten-year period, unless the Party concerned submits a new notification to the Secretariat, in which case the period will be extended for an additional ten years unless the Conference of the Parties, after a review of the production and use decides otherwise. The notification procedure can be repeated;

(iv) All the specific exemptions in this Annex may be exercised by Parties that have registered in respect of them in accordance with Article 4.

Part II

DDT (1,1,1-trichloro-2,2-bis(4-chlorophenyl)ethane)

1. The production and use of DDT shall be eliminated except for Parties that have notified the Secretariat of their intention to produce and/or use it. A DDT Register is hereby established and shall be available to the public. The Secretariat shall maintain the DDT Register.

2. Each Party that produces and/or uses DDT shall restrict such production and/or use for disease vector control in accordance with the World Health Organization recommendations and guidelines on the use of DDT and when locally safe, effective and affordable alternatives are not available to the Party in question.

3. In the event that a Party not listed in the DDT Register determines that it requires DDT for disease vector control, it shall notify the Secretariat as soon as possible in order to have its name added forthwith to the DDT Register. It shall be the same time notify the World Health Organization.

4. Every three years, each Party that uses DDT shall provide to the Secretariat and the World Health Organization information on the amount used, the conditions of such use and its relevance to that Party's disease management strategy, in a format to be decided by the Conference of the Parties in consultation with the World Health Organization.

5. With the goal of reducing and ultimately eliminating the use of DDT, the Conference of the Parties shall encourage:

(a) Each Party using DDT to develop and implement an action plan as part of the implementation plan specified in Article 7. That action plan shall include:

(i) Development of regulatory and other mechanisms to ensure that DDT use is restricted to disease vector control;

(ii) Implementation of suitable alternative products, methods and strategies, including resistance management strategies to ensure the continuing effectiveness of these alternatives;

(iii) Measures to strengthen health care and to reduce the incidence of the disease.

(b) The Parties, within their capabilities, to promote research and development of safe alternative chemical and non-chemical products, methods and strategies for Parties using DDT, relevant to the conditions of those countries and with the goal of decreasing the human and economic burden of disease. Factors to be promoted when considering alternatives or combinations of alternatives shall include the human health risks and environmental implications of such alternatives. Viable alternatives to DDT shall pose less risk to human health and the environment, be suitable for disease control based on conditions in the Parties in question and be supported with monitoring data.

6. Commencing at its first meeting, and at least every three years thereafter, the Conference of the Parties shall, in consultation with the World Health Organization, evaluate the continued need for DDT for disease vector control on the basis of available scientific, technical, environmental and economic information, including:
(a) The production and use of DDT and the conditions set out in paragraph 2;
(b) The availability, suitability and implementation of the alternatives to DDT;
and
(c) Progress in strengthening the capacity of countries to transfer safely to reliance on such alternatives.

2. A Party may, at any time, withdraw its name from the DDT Registry upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification.

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**Annex C**

**UNINTENTIONAL PRODUCTION**

Part I: Persistent organic pollutants subject to the requirements of Article 5

This Annex applies to the following persistent organic pollutants when formed and released unintentionally from anthropogenic sources:

<table>
<thead>
<tr>
<th>Chemical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/PCDF)</td>
</tr>
<tr>
<td>Hexachlorobenzene (HCB) (CAS No: 118-74-1)</td>
</tr>
<tr>
<td>Polychlorinated biphenyls (PCB)</td>
</tr>
</tbody>
</table>

Part II: Source categories

Polychlorinated dibenzo-p-dioxins and dibenzofurans, hexachlorobenzene and polychlorinated biphenyls are unintentionally formed and released from thermal processes involving organic matter and chlorine as a result of incomplete combustion or chemical reactions. The following industrial source categories have the potential for comparatively high formation and release of these chemicals to the environment:

- (a) Waste incinerators, including co-incinerators of municipal, hazardous or medical waste or of sewage sludge;
- (b) Cement kilns firing hazardous waste;
- (c) Production of pulp using elemental chlorine or chemicals generating elemental chlorine for bleaching;
- (d) The following thermal processes in the metallurgical industry:
  - (i) Secondary copper production;
  - (ii) Sinter plants in the iron and steel industry;
  - (iii) Secondary aluminium production;
  - (iv) Secondary zinc production.

Part III: Source categories

Polychlorinated dibenzo-p-dioxins and dibenzofurans, hexachlorobenzene and polychlorinated biphenyls may also be unintentionally formed and released from the following source categories, including:

- (a) Open burning of waste, including burning of landfill sites;
- (b) Thermal processes in the metallurgical industry not mentioned in Part II;
- (c) Residential combustion sources;
- (d) Fossil fuel-fired utility and industrial boilers;
(e) Firing installations for wood and other biomass fuels;
(f) Specific chemical production processes releasing unintentionally formed persistent organic pollutants, especially production of chlorophenols and chloranil;
(g) Crematoria;
(h) Motor vehicles, particularly those burning leaded gasoline;
(i) Destruction of animal carcasses;
(j) Textile and leather dyeing (with chloranil) and finishing (with alkaline extraction);
(k) Shredder plants for the treatment of end of life vehicles;
(l) Smouldering of copper cables;
(m) Waste oil refineries.

Part IV: Definitions

1. For the purposes of this Annex:

   (a) “Polychlorinated biphenyls” means aromatic compounds formed in such a manner that the hydrogen atoms on the biphenyl molecule (two benzene rings bonded together by a single carbon-carbon bond) may be replaced by up to ten chlorine atoms; and

   (b) “Polychlorinated dibenzo-p-dioxins” and “polychlorinated dibenzofurans” are tricyclic, aromatic compounds formed by two benzene rings connected by two oxygen atoms in polychlorinated dibenzo-p-dioxins and by one oxygen atom and one carbon-carbon bond in polychlorinated dibenzofurans and the hydrogen atoms of which may be replaced by up to eight chlorine atoms.

2. In this Annex, the toxicity of polychlorinated dibenzo-p-dioxins and dibenzofurans is expressed using the concept of toxic equivalency which measures the relative dioxin-like active toxicity of different congeners of polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls in comparison to 2,3,7,8-tetrachlorodibenzo-p-dioxin. The toxic equivalent factor values to be used for the purposes of this Convention shall be consistent with accepted international standards, commencing with the World Health Organization 1998 mammalian toxic equivalent factor values for polychlorinated dibenzo-p-dioxins and dibenzofurans and coplanar polychlorinated biphenyls. Concentrations are expressed in toxic equivalents.

Part V: General guidance on best available techniques and best environmental practices

This Part provides general guidance to Parties on preventing or reducing releases of the chemicals listed in Part I.

A. General prevention measures relating to both best available techniques and best environmental practices

Priority should be given to the consideration of approaches to prevent the formation and release of the chemicals listed in Part I. Useful measures could include:

(a) The use of low-waste technology;
(b) The use of less hazardous substances;
(c) The promotion of the recovery and recycling of waste and of substances generated and used in a process;
(d) Replacement of feed materials which are persistent organic pollutants or where there is a direct link between the materials and releases of persistent organic pollutants from the source;
(e) Good housekeeping and preventive maintenance programmes;
(f) Improvements in waste management with the aim of the cessation of open and other uncontrolled burning of wastes, including the burning of landfill sites. When considering proposals to construct new waste disposal facilities, consideration should be given to alternatives such as activities to minimize the generation of municipal and medical waste, including resource recovery, reuse, recycling, waste separation and promoting products that generate less waste. Under this approach, public health concerns should be carefully considered;
(g) Minimization of these chemicals as contaminants in products;
(h) Avoiding elemental chlorine or chemicals generating elemental chlorine for bleaching.

B. Best available techniques

The concept of best available techniques is not aimed at the prescription of any specific technique or technology, but at taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. Appropriate control techniques to reduce releases of the chemicals listed in Part I are in general the same. In determining best available techniques, special consideration should be given, generally or in specific cases, to the following factors, bearing in mind the likely costs and benefits of a measure and consideration of precaution and prevention:

(a) General considerations:

   (i) The nature, effects and mass of the releases concerned: techniques may vary depending on source size;
   (ii) The commissioning dates for new or existing installations;
   (iii) The time needed to introduce the best available technique;
   (iv) The consumption and nature of raw materials used in the process and its energy efficiency;
(v) The need to prevent or reduce to a minimum the overall impact of the releases to the environment and the risks to it;
(vi) The need to prevent accidents and to minimize their consequences for the environment;
(vii) The need to ensure occupational health and safety at workplaces;
(viii) Comparable processes, facilities or methods of operation which have been tried with success on an industrial scale;
(ix) Technological advances and changes in scientific knowledge and understanding.

(b) General release reduction measures: When considering proposals to construct new facilities or significantly modify existing facilities using processes that release chemicals listed in this Annex, priority consideration should be given to alternative processes, techniques or practices that have similar usefulness but which avoid the formation and release of such chemicals. In cases where such facilities will be constructed or significantly modified, in addition to the prevention measures outlined in section A of Part V the following reduction measures could also be considered in determining best available techniques:

(i) Use of improved methods for flue-gas cleaning such as thermal or catalytic oxidation, dust precipitation, or adsorption;
(ii) Treatment of residuals, wastewater, wastes and sewage sludge by, for example, thermal treatment or rendering them inert or chemical processes that detoxify them;
(iii) Process changes that lead to the reduction or elimination of releases, such as moving to closed systems;
(iv) Modification of process designs to improve combustion and prevent formation of the chemicals listed in this Annex, through the control of parameters such as incineration temperature or residence time.

C. Best environmental practices

The Conference of the Parties may develop guidance with regard to best environmental practices.

Annex D

INFORMATION REQUIREMENTS AND SCREENING CRITERIA

1. A Party submitting a proposal to list a chemical in Annexes A, B and/or C shall identify the chemical in the manner described in subparagraph (a) and provide the information on the chemical, and its transformation products where relevant, relating to the screening criteria set out in subparagraphs (b) to (c):

(a) Chemical identity:

(i) Names, including trade name or names, commercial name or names and synonyms, Chemical Abstracts Service (CAS) Registry number, International Union of Pure and Applied Chemistry (IUPAC) name; and

(ii) Structure, including specification of isomers, where applicable, and the structure of the chemical class;

(b) Persistence:

(i) Evidence that the half-life of the chemical in water is greater than two months, or that its half-life in soil is greater than six months, or that its half-life in sediment is greater than six months; or

(ii) Evidence that the chemical is otherwise sufficiently persistent to justify its consideration within the scope of this Convention;

(c) Bio-accumulation:

(i) Evidence that the bio-concentration factor or bio-accumulation factor in aquatic species for the chemical is greater than 5,000 or, in the absence of such data, that the log Kow is greater than 5;

(ii) Evidence that a chemical presents other reasons for concern, such as high bio-accumulation in other species, high toxicity or ecotoxicity; or

(iii) Monitoring data in biota indicating that the bio-accumulation potential of the chemical is sufficient to justify its consideration within the scope of this Convention;

(d) Potential for long-range environmental transport:

(i) Measured levels of the chemical in locations distant from the sources of its release that are of potential concern;

(ii) Monitoring data showing that long-range environmental transport of the chemical, with the potential for transfer to a receiving environment, may have occurred via air, water or migratory species; or

(iii) Environmental fate properties and/or model results that demonstrate that the chemical has a potential for long-range environmental transport through air, water or migratory species, with the potential for transfer to a receiving environment in locations distant from the sources of its release. For a chemical that migrates significantly through the air, its half-life in air should be greater than two days; and
(c) Adverse effects:
   (i) Evidence of adverse effects to human health or to the environment that justifies consideration of the chemical within the scope of this Convention; or
   (ii) Toxicity or ecotoxicity data that indicate the potential for damage to human health or to the environment.

2. The proposing Party shall provide a statement of the reasons for concern including, where possible, a comparison of toxicity or ecotoxicity data with detected or predicted levels of a chemical resulting or anticipated from its long-range environmental transport, and a short statement indicating the need for global control.

3. The proposing Party shall, to the extent possible and taking into account its capabilities, provide additional information to support the review of the proposal referred to in paragraph 6 of Article 8. In developing such a proposal, a Party may draw on technical expertise from any source.

Annex E
INFORMATION REQUIREMENTS FOR THE RISK PROFILE

The purpose of the review is to evaluate whether the chemical is likely, as a result of its long-range environmental transport, to lead to significant adverse human health and/or environmental effects, such that global action is warranted. For this purpose, a risk profile shall be developed that further elaborates on, and evaluates, the information referred to in Annex D and includes, as far as possible, the following types of information:

(a) Sources, including as appropriate:
   (i) Production data, including quantity and location;
   (ii) Uses; and
   (iii) Releases, such as discharges, losses and emissions;

(b) Hazard assessment for the endpoint or endpoints of concern, including a consideration of toxicological interactions involving multiple chemicals;

(c) Environmental fate, including data and information on the chemical and physical properties of a chemical as well as its persistence and how they are linked to its environmental transport, transfer within and between environmental compartments, degradation and transformation to other chemicals. A determination of the bio-concentration factor or bio-accumulation factor, based on measured values, shall be available, except when monitoring data are judged to meet this need;

(d) Monitoring data;

(e) Exposure in local areas and, in particular, as a result of long-range environmental transport, and including information regarding bio-availability;

(f) National and international risk evaluations, assessments or profiles and labeling information and hazard classifications, as available; and

(g) Status of the chemical under international conventions.
Annex F

INFORMATION ON SOCIO-ECONOMIC CONSIDERATIONS

An evaluation should be undertaken regarding possible control measures for chemicals under consideration for inclusion in this Convention, encompassing the full range of options, including management and elimination. For this purpose, relevant information should be provided relating to socio-economic considerations associated with possible control measures to enable a decision to be taken by the Conference of the Parties. Such information should reflect due regard for the differing capabilities and conditions among the Parties and should include consideration of the following indicative list of items:

(a) Efficacy and efficiency of possible control measures in meeting risk reduction goals:
   (i) Technical feasibility; and
   (ii) Costs, including environmental and health costs;

(b) Alternatives (products and processes):
   (i) Technical feasibility;
   (ii) Costs, including environmental and health costs;
   (iii) Efficacy;
   (iv) Risk;
   (v) Availability; and
   (vi) Accessibility;

(c) Positive and/or negative impacts on society of implementing possible control measures:
   (i) Health, including public, environmental and occupational health;
   (ii) Agriculture, including aquaculture and forestry;
   (iii) Biota (biodiversity);
   (iv) Economic aspects;
   (v) Movement towards sustainable development; and
   (vi) Social costs;

(d) Waste and disposal implications (in particular, obsolete stocks of pesticides and clean-up of contaminated sites):
   (i) Technical feasibility; and
   (ii) Cost;

(e) Access to information and public education;

(f) Status of control and monitoring capacity; and

(g) Any national or regional control actions taken, including information on alternatives, and other relevant risk management information.
Resolution adopted by the General Assembly

[without reference to a Main Committee (A/61/L.67 and Add.1)]


The General Assembly,

Taking note of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006, 1 by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

Recalling its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

Adopts the United Nations Declaration on the Rights of Indigenous Peoples as contained in the annex to the present resolution.

107th plenary meeting
13 September 2007

Annex

United Nations Declaration on the Rights of Indigenous Peoples

The General Assembly,

Guided by the purposes and principles of the Charter of the United Nations, and good faith in the fulfillment of the obligations assumed by States in accordance with the Charter,

Affirming that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

Affirming also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,

Affirming further that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

Reaffirming that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

Concerned that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

Recognizing the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

Recognizing also the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

Welcoming the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

Convinced that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

Recognizing that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

Emphasizing the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,

Recognizing in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

Considering that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

Considering also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

Acknowledging that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights 2 and the International Covenant on Civil and Political Rights 2 as well as the Vienna Declaration and Programme of

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2 See resolution 2200 A (XXI), annex.
Action, affirm the fundamental importance of the right to self-determination of all peoples, by virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,

Bearing in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

Convinced that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

Encouraging States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

Emphasizing that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,

Believing that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

Recognizing and reaffirming that indigenous peoples are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

Recognizing that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

Solemnly proclaims the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

**Article 1**

Indigenous peoples have the right to the full enjoyment, as a collective or as individuals, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights and international human rights law.

**Article 2**

Indigenous peoples and individuals are free and equal to all other peoples and individuals and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

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1. A/CONF.157/24 (Part I), chap. III.
2. Resolution 217 A (III).
community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practise and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practise, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

Article 13

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.

2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.

2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.

3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

Article 15

1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

Article 16

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

Article 17

1. Indigenous individuals and peoples have the right to enjoy fully all rights established under applicable international and domestic labour law.

2. States shall take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child’s education, or to be harmful to the child’s health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous individuals have the right not to be subjected to any discriminatory conditions of labour and, inter alia, employment or salary.

Article 18

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

Article 19

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.
Article 20
1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.
2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.

Article 21
1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Article 22
1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

Article 23
Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.

Article 24
1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous individuals also have the right to access, without any discrimination, to all social and health services.
2. Indigenous individuals have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

Article 25
Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

Article 26
1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.
2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.
3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

Article 27
States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples’ laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

Article 28
1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.
2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

Article 29
1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programmes for indigenous peoples for such conservation and protection, without discrimination.
2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.
3. States shall also take effective measures to ensure, as needed, that programmes for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.
Article 30

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

Article 31

1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

Article 32

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

Article 33

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous individuals to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

Article 34

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

Article 35

Indigenous peoples have the right to determine the responsibilities of individuals to their communities.

Article 36

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.

2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

Article 37

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

Article 38

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

Article 39

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

Article 40

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their individual and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

Article 41

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.
Article 42

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

Article 43

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

Article 44

All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous individuals.

Article 45

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

Article 46

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.
Marrakesh Agreement Establishing the World Trade Organization (Preamble), 1994
Marrakesh Agreement Establishing the World Trade Organization

Preamble

The Parties to this Agreement,

Recognizing that their relations in the field of trade and economic endeavour should be conducted with a view to raising standards of living, ensuring full employment and a large and steadily growing volume of real income and effective demand, and expanding the production of and trade in goods and services, while allowing for the optimal use of the world’s resources in accordance with the objective of sustainable development, seeking both to protect and preserve the environment and to enhance the means for doing so in a manner consistent with their respective needs and concerns at different levels of economic development.

Recognizing further that there is a need for positive efforts designed to ensure that developing countries, and especially the least developed among them, secure a share in the growth of international trade commensurate with the needs of their economic development,

Being desirous of contributing to these objectives by entering into reciprocal and mutually advantageous arrangements directed to the substantial reduction of tariffs and other barriers to trade and to the eliminations of discriminatory treatment in international trade relations,

Resolved, therefore, to develop an integrated, more viable and durable multilateral trading system encompassing the General Agreement on Tariffs and Trade, the results of past liberalization efforts, and all of the results of the Uruguay Round of Multilateral Trade Negotiations,

Determined to preserve the basic principles and to further the objectives underlying this multilateral trading system,

Agree as follows:
General Agreement on Tariffs and Trade
(Article XX), 1947
The General Agreement on Tariffs and Trade (GATT 1947)

Article XX: General Exceptions

Subject to the requirement that such measures are not applied in a manner which would constitute a means of arbitrary or unjustifiable discrimination between countries where the same conditions prevail, or a disguised restriction on international trade, nothing in this Agreement shall be construed to prevent the adoption or enforcement by any contracting party of measures:

a. necessary to protect public morals;
b. necessary to protect human, animal or plant life or health;
c. relating to the importations or exportations of gold or silver;
d. necessary to secure compliance with laws or regulations which are not inconsistent with the provisions of this Agreement, including those relating to customs enforcement, the enforcement of monopolies operated under paragraph 4 of Article II and Article XVII, the protection of patents, trade marks and copyrights, and the prevention of deceptive practices;
e. relating to the products of prison labour;
f. imposed for the protection of national treasures of artistic, historic or archaeological value;
g. relating to the conservation of exhaustible natural resources if such measures are made effective in conjunction with restrictions on domestic production or consumption;
h. undertaken in pursuance of obligations under any intergovernmental commodity agreement which conforms to criteria submitted to the CONTRACTING PARTIES and not disapproved by them or which is itself so submitted and not so disapproved;*
i. involving restrictions on exports of domestic materials necessary to ensure essential quantities of such materials to a domestic processing industry during periods when the domestic price of such materials is held below the world price as part of a governmental stabilization plan; Provided that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of this Agreement relating to non-discrimination;
j. essential to the acquisition or distribution of products in general or local short supply; Provided that any such measures shall be consistent with the principle that all contracting parties are entitled to an equitable share of the international supply of such products, and that any such measures, which are inconsistent with the other provisions of the Agreement shall be discontinued as soon as the conditions giving rise to them have ceased to exist. The CONTRACTING PARTIES shall review the need for this sub-paragraph not later than 30 June 1960.

* Provided that such restrictions shall not operate to increase the exports of or the protection afforded to such domestic industry, and shall not depart from the provisions of this Agreement relating to non-discrimination.