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ENVIRONMENTAL LAW IN UNEP, 1991 EDITION

Since its creation in 1972, UNEP has been very active in the development of environmental law. UNEP can point to the fact that under its auspices three major global binding agreements - the Vienna Convention for the Protection of the Ozone Layer, 1985, the Montreal Protocol on Substances that Deplete the Ozone Layer 1987 and the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989 were developed as well as Regional Agreement on the Action Plan for the Environmentally Sound Management of the Common Zambezi River System.

The development of these agreements and several international guidelines and principles has been accomplished in large measure through the work of UNEP's Environmental Law and Institutions Unit (ELIU). The Unit, in co-operation with other UNEP sections and international organizations, has not only developed and helped administer these various conventions, but has also assisted numerous developing countries seeking to enact and administer national environmental legislation. Since the development of regional seas conventions and protocols was done under the auspices of UNEP Oceans and Coastal Areas Programme, this subject would be presented separately.



As environmental problems have grown, so have the responsibilities and activities of UNEP's Environmental Law and Institutions Unit. I hope this publication will provide a helpful introduction to the work of the Environmental Law and Institutions Unit and to the environmental law development efforts of UNEP.

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ENVIRONMENTAL LAW IN THE UNITED NATIONS

FOREWORD

The global environmental problems we face today pose important diplomatic and legal challenges to the international community. The destruction of the precious genetic resources represented by earth's biodiversity, the depletion of the ozone layer, and accelerating global warming, are all challenges which affect humanity as a whole, and require international agreements. On the smaller scale, pollution, which does not acknowledge national boundaries, and shared natural resources, especially water resources, which cannot easily be priced or partitioned on a national basis, all provide sources of potential conflict or clashes of interest, and require regulation.



In this situation, the complex task of environmental diplomacy has become increasingly prominent. We have recognised that environmental stability cannot be predicated on competition, but solely on co-operation.

This is a recent recognition. Despite the fact that the oldest historical international treaties deal with the use of natural resources - waterways - international environmental negotiation has been very much a recent phenomenon. UNEP's 1989 Register of International Treaties, due to be updated this year, lists 140 environmental agreements, of which over half have been passed since the 1972 Stockholm Conference which saw the creation of UNEP.

Several of these treaties has been negotiated under the auspices of UNEP. Since its creation in 1972, the organization has been very active in the development of international environmental law, chiefly through the activities of a special unit assigned to the field: the Environmental Law and Institutions Unit (ELIU).

During the 1970s, a period when environmental concerns were still confined to the political margins in international debates, two major conventions towards protecting rare and vulnerable species of fauna were adopted through the work of UNEP; the Convention on International Trade in Endangered Species (CITES, 1973) and the Convention on the Conservation of Migratory Species (1979).

Recent years have seen a dramatic expansion of this activity, coinciding with the acceleration of international public support for protective measures to safeguard the global environment. The ELIU, in co-operation with other UNEP sections and international organizations has not only developed, but has helped to administer three major global binding agreements - the Vienna Convention for the Protection of the Ozone Layer, in 1985, the Montreal Protocol on Substances that Deplete the Ozone Layer, in 1987, and the Basel Convention on the Control of Transboundary Movements of Hazardous wastes and their disposal, in 1989. At present, experts from around the globe are engaged, under the aegis of UNEP, in developing a draft liability and compensation protocol to the Basel Convention which would be another major breakthrough in international environmental law.

During this period, UNEP assisted the negotiations leading to the adoption of several binding multilateral instruments. It has also succeeded in developing guidelines and principles on various subjects including: Exchange of Information in International Trade in Potentially Harmful Chemicals (1984), Shared Natural Resources (1978), Offshore Mining and Drilling, (1982), Marine Pollution from Land-based Sources, Environmental Impact Assessment (1987), London Guidelines on Exchange of Information on Chemicals in International Trade, (1989). These, though non-binding legal instruments at present, often form the basis for future agreements. Surveys have shown that across the world, governments, international organizations and development banks are all making use of these guidelines and principles.

Thus, whether it be resolving disputes between European nations over air pollution, or in determining access to freshwater resources in Africa, to name but two examples, UNEP, via these guidelines and its own impartiality, is ideally placed to assist in the process of avoiding the tensions brought on by environmental concerns.

Finally, the Law Unit has continued to promote regional accords and to provide support for national capability building in developing countries. The Agreement on the Action Plan for the Environmentally Sound Management of the Common Zambezi River System in 1987, is one example of its successful regional activities. Additionally, the Unit has also assisted numerous devel-

oping countries seeking to enact and administer national environmental legislation, sending expert missions to 54 countries in Africa, Asia, and Latin America.

Over the years, the ELIU has consistently managed to surmount the many difficult hurdles barring the way to international agreement, and has united countries towards solving common pollution and conservation problems. Drafting and negotiating international agreements that balance the interests of rich and poor, large and small nations, the concept of sustainable development has been central to the unit's ethos; creating written agreements designed not only to cater for the needs of today, but also those of coming generations.

Dr. Mostafa K. Tolba
Executive Director

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INTRODUCTION

1. Since its creation, the United Nations Environment Programme (UNEP) has been very active in the development of environmental law. Its functions in the field were assigned to it by the 1972 United Nations Stockholm Conference on Human Environment and were subsequently confirmed and developed by its Governing Council. At its fourth session, in 1976, the Governing Council requested the Executive Director to implement existing activities in this area. These activities include:

- (a) The systematic collection, analysis and presentation of data and information relating to activities and international agreements and conventions in the field of the environment;
- (b) The development of the relevant principles contained in the Stockholm Declaration;
- (c) The promotion of international agreements and conventions to deal with global and regional environmental concerns as well as the specific environmental problems in given geographical contexts, and efforts to encourage international forums and organizations to take the environmental law aspect into account in their work;
- (d) The provision of technical assistance and appropriate guidelines to countries, at their request, for the development of their legislation for the purposes of environmental planning and control.

2. The thrust of UNEP's environmental law activity comes from the decisions of its Governing Council and is strengthened by such major UNEP programme documents as the "In-depth Review of Environmental Law" (pertaining to environmental law both within and outside the United Nations system) and the conclusions of the *Ad Hoc Meeting of Senior Government Officials Expert in Environmental Law*, held in Montevideo in 1981. At Montevideo, government legal experts drafted recommendations for the development and periodic review of environmental law and

stressed the hurdles facing implementation, ratification and enforcement of international environmental agreements. The Montevideo recommendations were transformed into a series of specific activities and projects.

3. The UNEP Environmental Law and Institutions Unit (ELIU) has been responsible for implementing the programme assigned to UNEP by the 1972 Stockholm Conference on the Human Environment and Governing Council decisions. Under ELIU auspices three major binding global agreements have been developed - the 1985 Vienna Convention for the Protection of the Ozone Layer, the 1987 Montreal Protocol on Substances that Deplete the Ozone Layer and the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

4. In addition to these conventions, several international guidelines and principles in the field of environmental law have also been developed. Although not binding, these guidelines and principles provide a basis for future treaty negotiations and for a common approach to environmental issues and action. Examples include the recent London Guidelines for the Exchange of Information on Chemicals in International Trade, adopted by the Governing Council in 1987 and amended in 1989 to include the prior informed consent (PIC) procedure, the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes, approved by the Governing Council in 1987, the Goals and Principles of Environmental Impact Assessment, adopted by the Governing Council in 1987, the Montreal Guidelines for the Protection of the Marine Environment Against Pollution from Land-Based Sources, adopted by the Governing Council in 1985, Conclusions of the Study of Legal Aspects Concerning the Environment Relating to Offshore Mining and Drilling within the Limits of National Jurisdiction, adopted by the Governing Council in 1982, Provisions for Co-operation Between States in Weather Modification, adopted by the Governing Council in 1980, and Principles of Conduct in the Field of the Environment for the Guidance of States in the

Conservation and Harmonious Utilization of Natural Resources Shared by Two or More States, adopted by the Governing Council in 1978.

5. In addition to administering existing global conventions and preparing for forthcoming global environmental agreements, UNEP has also been extensively involved in the preparation of a number of regional conventions on the protection of the environment of regional seas, many of these administered through UNEP's Ocean and Coastal Areas Programme Activity Centre (OCA/PAC). Other examples include the Zambezi Agreement and Action Plan of 1987. In addition, UNEP advises a number of Governments in Africa, Asia and Latin America and the Caribbean on the development of national environmental legislation, administrative programmes and institutional arrangements.

6. Looking ahead, UNEP in co-operation with other United Nations bodies and agencies has begun preparations for two global conventions covering climate change and global warming (due to the build-up of greenhouse gases) and the conservation of biological diversity.

I. PROTECTION OF THE OZONE LAYER

7. The Vienna Convention for the Protection of the Ozone Layer was adopted on 22 March 1985 by a Conference of Plenipotentiaries organized by UNEP, and entered into force on 22 September 1988. It provides for research in and monitoring of the depletion of the ozone layer, exchange of information, transfer of technology, and promotion of public awareness to facilitate the protection of the ozone layer. It also provides for the adoption of the protocols and annexes to meet future international efforts to protect the ozone layer. At its first meeting, held in Helsinki from 26 to 28 April 1989, the Conference of the Parties to the Convention designated UNEP as the Secretariat of the Convention and its Montreal Protocol. As of April 1991, 78 countries and EEC had become parties to the Vienna Convention.

8. The Montreal Protocol on Substances that Deplete the Ozone Layer was adopted on 16 September 1987 and represented one of the most significant achievements of the international community for the protection of the environment

from adverse effects caused by humans. This "global risk management treaty" called for a freeze in the production of the controlled chlorofluorocarbons at their 1986 levels within one year of the date of its entry into force, which was 1 January 1989. It stipulated a 50 per cent reduction in production and consumption of chlorofluorocarbons by mid-1998, with an intermediate reduction of 20 per cent by mid-1993. It also required the consumption of halons to be frozen at 1986 levels. It allowed limited production increases above these levels to meet very specific situations, especially the domestic needs of developing countries. Developing country parties, that fulfil certain requirements specified in the Protocol are also given an additional 10 years to comply with the control provisions beginning in 1992. On 1 January 1989, there were 30 parties, representing more than 84 per cent of 1986 global consumption of the substances controlled by the Protocol. As of April 1991, 71 States and the European Economic Community (EEC), accounting for nearly 94 per cent of world-wide consump-

tion of the controlled substances, had agreed to become party to the Montreal Protocol.

9. The First Meeting of the Parties to the Montreal Protocol was held in Helsinki from 2 to 5 May 1989. The Helsinki Declaration on the Protection of the Ozone Layer, issued on 2 May 1989 by 81 countries and EEC represented at the Meeting, invited all countries to become parties to the Vienna Convention and the Montreal Protocol and recommended that: the timetable agreed on in the Montreal Protocol should be tightened to phase out CFCs and halons and control and reduce other ozone-depleting substances that contribute significantly to ozone depletion as soon as feasible, but not later than 2000; commit other resources to accelerate the development of environmentally acceptable substitute chemicals; facilitate the access of developing countries to relevant information, research results, and training; and develop appropriate funding mechanisms to facilitate the transfer of technologies.

10. Since the First Meeting of the Parties to the Montreal Protocol, an Open-Ended Working Group established by the parties has held four sessions to discuss such issues as financial and other mechanisms to enable developing countries to meet the requirements of the Protocol, development of work plans required by articles 9 and 10 of the Protocol, and adjustments and amendments to the Protocol. Additionally, an *ad hoc* working group of legal experts has met to discuss non-compliance with the Montreal Protocol, the Bureau of the Meeting of Parties has met several times, and several informal meetings of experts have been held to discuss various topics of concern.

11. In compliance with articles 9 and 10 of the Vienna Convention and article 2 of the Montreal Protocol, proposals to amend and adjust the Protocol were formally submitted to the parties in December 1989 - six months before their Second Meeting.

12. At that Second Meeting, held in London from 27 to 29 June

1990, the parties adopted by consensus, adjustments and amendment to the Protocol. The following are the main provisions of the Montreal Protocol as amended and adjusted in London:

(a) Control of five CFCs regulated by the Montreal Protocol: 50% reduction of 1986 production and consumption level by 1995; 85% reduction by 1997; total phase-out by 2000;

(b) Control of three halons regulated by the Montreal Protocol: freeze at 1986 production and consumption level by 1992; 50% reduction by 1995; total phase out by 2000;

(c) Control of other CFCs (10 of them): 20% reduction of 1989 production and consumption levels by 1993; 85% reduction by 1997; total phase out by 2000;

(d) Control of carbon tetrachloride: 85% reduction of 1989 production and consumption level by 1995; total phase out by 2000;

(e) Control of methyl chloroform:

freeze at 1989 production and consumption level by 1993; 30% reduction by 1995; 70% reduction by 2000; total phase out by 2005.

13. The parties also agreed to establish a financial mechanism including a Multilateral Fund. It includes other multilateral, regional and bilateral co-operation which can be, if agreed by the parties, a part of a party's contribution towards the Multilateral Fund. The parties agreed to establish and administer the Fund.

14. The parties decided to start the operation of the financial mechanism from 1 January 1990 for an interim period of three years. For the interim mechanism, the Parties adopted terms of reference for the interim Multilateral Fund; terms of reference for the Executive Committee which consists of representatives from seven Parties operating under paragraph 1 of article 5 and seven Parties that are not so operating.

The first meeting of the Executive Committee took place in Montreal in September 1990, and the second

was held at the same location the following December. (The Secretariat of Multilateral Fund is located in Montreal. The Fund was established on 1 January 1991.) The provisional budget for the Multilateral Fund is \$160,000,000, with the commitment to increase the amount by up to \$80,000,000 when developing countries, particularly China and India that have not yet done so become party to the Protocol.

15. The London Adjustments to the Protocol entered into force on 7 March 1991; the Amendment to the Montreal Protocol enters into force on 1 January 1992 provided 20 instruments of ratification are received by that date.

16. Other decisions of the Second Meeting of Parties include, *inter alia*, the removal of the requirement that data regarding the consumption of the controlled substances reported by each party should be treated as confidential.

17. The parties also agreed on the establishment of an *Ad Hoc* Technical Advisory Committee on

Destruction Technologies to analyse the various technologies that destroy the controlled substances, assess their efficiency and environmental acceptability and develop approval criteria and measurements. It was also decided to reconvene the assessment panels called for under article 6 of the Montreal Protocol, with a view to updating information regarding ozone depletion.

18. Regarding non-compliance, the parties decided to adopt on an interim basis procedures and institutional mechanisms for determining non-compliance with the Protocol and agreed to elaborate further these procedures over the next two years.

3). An Implementation Committee was established consisting of five parties elected by the London meeting. Its first meeting took place in Nairobi in December 1990, second in Geneva in April 1991.

19. The Parties also adopted several resolutions at the London meeting. One of them governs the use of transitional substances such

as HCFCs and their timely replacement by non -ozone- depleting and more environmentally suitable alternative substances and technologies. The resolution calls for careful use of the substances and regular review of such uses. The transitional substances should be replaced no later than 2040 and, if possible, no later than 2020.

20. The agreements reached at the Second Meeting of the Parties, have provided the international community with valuable experi-

ences on how it is possible to address the complex issues of adequate environmental protection, provision of additional financial resources and the transfer of technology needed to enable all countries to live up to environmental standards that they agree are necessary. The outcome of the meeting has set the tone for tackling other more difficult activities, such as climate change and biological diversity, and given a clear insight into possible ways of addressing these and other global environmental issues.

II. HAZARDOUS WASTES

A. Transboundary movements of hazardous wastes and their disposal

21. The need to develop global legal instruments dealing with management of hazardous wastes and particularly with their restriction, control and disposal goes back to early 1980. At that time Governments clearly recognized co-operation was needed to address the growing generation and transboundary movements of hazardous wastes. Precise figures of world-wide hazardous wastes volumes are difficult to determine, but estimates range from 300 million to 400 million tons or more of hazardous wastes generated each year. With increased volumes came problems related to environmentally sound disposal practices, stockpiles of corrosive acids, organic chemicals, toxic metals and other wastes that pose serious long-term health and ecological threats, because of groundwater contamination, leaching and other means of contamination. The costs of safe disposal were mounting.

22. In response to a growing "not in my backyard" attitude to the disposal of hazardous wastes, the international movement of hazardous wastes has become a boom industry. Cross-frontier traffic in wastes in Europe alone exceed 20,000 West-East border crossings a year. North-South shipments, representing about 10 per cent of total transboundary movements, pose a particularly serious threat. Shipments from industrialized to developing countries largely entailed disposal or attempted disposal of wastes in developing countries that did not possess, and are unlikely to possess in the near future, environmentally sound hazardous wastes disposal facilities.

23. The Montevideo Programme recommended the preparation of guidelines and principles which could lead to a global convention on hazardous wastes, within the framework of UNEP and in co-operation with other competent organizations. At its tenth session, in May 1982, the Governing Council of UNEP, based on the recommendations contained in the

Montevideo Programme, decided to convene a working group of experts to develop guidelines or principles on the environmentally sound transport, management and disposal of hazardous wastes (decision 10/24). Pursuant to that decision, the *Ad Hoc* Working Group of Experts on the Environmentally Sound Management of Hazardous Wastes was established. Three sessions of this Working Group were held, between February 1984 and December 1985, when the Working Group submitted its final report with the agreed Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes.

24. At its fourteenth session, in June 1987, the UNEP Governing Council approved the Cairo Guidelines and Principles and authorized the Executive Director of UNEP to convene a working group of legal and technical experts with a mandate to prepare a global convention on the control of transboundary movements of hazardous wastes, drawing on the Cairo Guidelines and the relevant work of national,

regional and international bodies. The Council also requested the Executive Director to convene, in early 1989, a diplomatic conference to adopt and sign the global convention (decision 14/30 of 17 June 1987).

25. The organizational meeting of the *Ad Hoc* Working Group of Legal and Technical Experts with a Mandate to Prepare a Global Convention on the Control of Transboundary Movements of Hazardous Wastes was held in Budapest in October 1987. The Group discussed the general principles to be incorporated into the convention and considered a first draft prepared by the UNEP secretariat which was based mainly on the Cairo Guidelines but also took into consideration the work of other international organizations, particularly the European Economic Community (e.g. the EEC Directive on Transfrontier Shipment of Hazardous Wastes of 6 December 1984) and the OECD draft Agreement on Control of Transfrontier Movement of Hazardous Wastes.

26. Subsequently, five sessions of the Working Group were held between February 1988 to March 1989. Experts from 96 States participated in one or more of the sessions, and representatives of over 50 organizations attended as observers. The draft Convention was considered and re-vised at each session. At an early stage in the negotiation process the experts agreed that the Convention should not only provide a framework but should have direct implications for the control of transboundary movements of hazardous wastes by specifying clearly the responsibilities of States involved at a given movement. In the course of the negotiations, the provisions of the draft Convention were progressively strengthened, resulting in a treaty that provides strict control measures for transboundary movements of hazardous wastes and spells out the rights and responsibilities of the States involved in such movements.

27. In addition to the sessions of the Working Group, the Executive Director of UNEP held a number of informal consultations with

Governments and industry, which contributed substantively to elaboration of the Convention. The Executive Director also submitted a number of notes to the Working Group, discussing important provisions and contentious issues.

28. The Conference of Plenipotentiaries on the Global Convention on the Control of Transboundary Movements of Hazardous Wastes, convened in Basel, Switzerland, from 20 to 22 March 1989, considered the final draft of the Convention submitted to it by the Working Group. The Basel Convention on the Control of Transboundary Movements and their Disposal was adopted unanimously by the Conference on 22 March 1989, only 18 months after the beginning of the negotiations in the Working Group. A total of 105 States and the European Economic Community (EEC) signed the Final Act of the Conference, and 35 States and EEC signed the Convention immediately after its adoption.

29. The Conference also adopted eight resolutions related to the further development and

implementation of the Convention.

30. The main provisions of the Basel Convention are as follows:

(a) Every country has the sovereign right to ban the import of hazardous wastes. The control system provided by the Basel Convention ensures that no hazardous wastes are shipped to a country which has banned their import;

(b) Exports of hazardous wastes to non-parties and imports from non-parties are prohibited, unless subject to a bilateral, multilateral or regional agreement, the provisions of which are no less stringent than those of the Basel Convention;

(c) Every country has the obligation to reduce the generation of hazardous wastes to a minimum, and to dispose of them as close as possible to the source of generation. Transboundary movements of hazardous wastes may take place only as an exception, if they present the most environmentally sound solution, and if they are carried out in accordance with the strict control system provided by the Convention;

(d) Transboundary movements of hazardous wastes carried out in contravention of the provisions of the Convention are considered to be illegal traffic. The Convention states that illegal traffic is a criminal act, and obligates States to introduce national legislation to prevent and punish it. A State responsible for an illegal movement has to ensure the environmentally sound disposal of the wastes in question;

(e) Industrialized countries have an obligation to assist developing countries in technical matters related to the management of hazardous wastes. The Convention also calls for exchange of information and international co-operation. The Convention Secretariat monitors and co-ordinates these activities.

31. The resolutions adopted by the Basel Conference requested further action to enforce and strengthen the provisions of the Convention, including co-operation with other organizations to harmonize the Basel Convention with other international legal instru-

ments, development of elements for inclusion in a protocol on liability, and development of draft technical guidelines for the environmentally sound management of hazardous wastes.

32. The Basel Convention is the only existing global legal instrument regulating transboundary movements of hazardous wastes. As noted, its provisions ensure protection of countries against uncontrolled dumping of toxic wastes and promote environmentally sound waste disposal and the minimization of waste generation. The control system ensures that the Convention does not remain a mere declaration of intentions, but that the rights of countries are respected. It is therefore important that as many countries as possible become parties to the Basel Convention to achieve effective control of transboundary movements and disposal of hazardous wastes world-wide. As of March 1990, 53 States and EEC had signed the Basel Convention and 10 countries have ratified it. The Convention will enter into force upon ratification by 20 countries.

33. After the adoption of the Basel Convention, the Governing Council of UNEP, at its fifteenth session, in May 1989, adopted decision 15/33, which calls upon all Governments to sign and ratify the Basel Convention so as to ensure its entry into force as soon as possible. It also calls upon Governments to consider voluntary contributions towards the costs of the interim Secretariat, and requests the Executive Director of UNEP to develop programmes, within the framework of the interim Secretariat, to assist developing countries in the fields enumerated in the Convention.

34. A number of States are preparing to ratify the Basel Convention. The Organization of African Unity (OAU) has decided its position on the Basel Convention in its resolution at the OAU Pan-African Conference on Environment and Sustainable Development in Africa, held in Bamako, Mali in January 1991. In that resolution, OAU member States are invited to take a sovereign decision on the Basel Convention, bearing in mind the spirit of solidarity. At

the Conference, the Bamako Convention on the Ban on the Import of All Forms of Hazardous Wastes into Africa and the control of Transboundary Movements of such Wastes Generated in Africa was adopted and signed by 12 OAU member States.

35. The interim Secretariat of the Convention was set up in Geneva in November 1989. Its main functions include:

- (a) Promotion of the entry into force of the Convention;
- (b) Duties in connection with the implementation of the resolutions adopted by the Basel Conference, in particular the establishment of working groups, the holding of inter-agency meetings between UNEP and other relevant international organizations and the preparation of the necessary documents for submission to expert working groups;
- (c) Elaboration of draft model legislation in the field of hazardous waste management for developing countries;

(d) Provision of assistance to developing countries in technical and legal matters related to the environmentally sound management of hazardous wastes;

(e) Preparations for the first meeting of the contracting parties, which will be held after the entry into force of the Convention.

36. In accordance with resolution 3 of the Basel Conference, a working group of experts was established by the Executive Director of UNEP to develop elements for inclusion in a protocol on liability and compensation from damage resulting from the transboundary movement and disposal of hazardous wastes. The UNEP secretariat has circulated a questionnaire seeking the views of Governments on liability. To date, 33 Governments have replied. After the draft elements were considered at an informal consultation of experts in April/May 1990, they were submitted to the first session of the *ad hoc* working group of legal and technical experts, held in July 1990. The second session of the *ad hoc*

working group, was held in March 1991, and came up with the elements for inclusion into a protocol on liability and compensation to be presented at the first meeting of the parties.

B. Illegal traffic in toxic and dangerous products and wastes: the illegal traffic report

37. Awareness and concern regarding international transport of toxic and dangerous products and wastes were reflected in the discussions of the General Assembly of the United Nations at its forty-second session, in 1987, which resulted in the adoption by the Assembly of resolution 42/183 of 11 December 1987 on traffic in toxic and dangerous products and wastes. By that resolution, the Assembly, convinced that this problem required the attention and co-operation of the international community, requested the Secretary-General to prepare a comprehensive report on the subject. A preliminary report was to be submitted to the Economic and Social Council of the United

Nations at its second regular session in 1988.

38. Accordingly, the Executive Director of UNEP, on behalf of the Secretary-General, requested all Governments and international organizations as well as a number of non-governmental organizations to provide him with relevant information. After considering the preliminary report, which was submitted to it in July 1988, the Economic and Social Council in resolution 1988/70 of 28 July 1988 outlined a number of points the final report should consider in particular.

39. The report on illegal traffic in toxic and dangerous products and wastes, based on information provided to the Executive Director of UNEP by 62 Governments and 24 organizations, was submitted to the General Assembly at its forty-fourth session as document A/44/362 of 18 July 1989. The report deals with transports that are carried out in contravention of national legislation and relevant international legal treaties, guidelines and principles. Transports

carried out in compliance with national and international law are not covered. Because illegal traffic, by its very nature, is mostly furtive, it is difficult to give a full account of the situation. However, the report states clearly that illegal traffic presents a serious danger to the environment and to human health, especially in developing countries where appropriate treatment and disposal facilities do not exist. However, it is clear that the production of chemicals and the generation of wastes have increased enormously world-wide. World production of organic chemicals, for example, has risen

up from 7 million tons in 1950 to 250 million tons in 1985. The rapid disappearance of landfill space and the escalation in disposal facilities in developed countries lead to the conclusion that the number of illegal exports of hazardous substances must also have grown at alarming rates. In addition to illegal exports, there is a clear growth in the number of proposals from industrialized countries to construct so-called "waste-to-energy" plants in developing countries or to provide supposedly non-hazardous waste landfill or incineration facilities.

III. CLIMATE CHANGE

40. Following growing concern in the 1980s about threats of climate changes, UNEP and the World Meteorological Organization (WMO), established the Intergovernmental Panel on Climate Change (IPCC) in 1988. The Panel was given three tasks: to assess the scientific information related to the various aspects of climate change; to evaluate the environmental and socio-economic impacts of climate change; and, to formulate realistic response strategies for the management of the greenhouse issue.

41. At its first meeting, held in 1988, the Panel agreed to establish three working groups to prepare timely assessments of the situation regarding man-induced climate change and the formulation of response strategies. The groups were instructed to build on earlier national and international evaluation and to take advantage of expertise found in existing international scientific bodies. Working Group III, on response strategies, was given the task of, *inter alia*, examining legal instruments and international measures and to

develop possible elements of a climate convention.

42. At its forty-fourth session, in 1989, the General Assembly of the United Nations adopted resolution 44/207 on protection of global climate. The resolution supported the request made by the UNEP Governing Council in its decision 15/36, that the Executive Director of UNEP in co-operation with the Secretary-General of WMO should begin preparations for negotiations on a framework convention on climate change. Further, it recommended that such negotiations begin as soon as possible after the adoption of the interim report of IPCC, and that the General Assembly at an early date during its forty-fifth session recommend methods and financing for pursuing the negotiations. The General Assembly was instructed to take into account the work of the Preparatory Committee for the 1992 United Nations Conference on Environment and Development.

43. In response to the General Assembly resolution already in 1989, the Executive Director of

UNEP and the Secretary-General of WMO formed a Task Force to Advise on Elements of a Climate Convention, consisting of representatives of both organizations, the co-ordinator of the Second World Climate Conference, and other experts.

44. The IPCC report has been finalized and adopted in Sundsvald, Sweden in August 1990.

45. In accordance with Governing Council decision SS.II/3 C of 3 August 1990 and WMO Executive Council resolution (Res.8-EC-XLII, June 1990), the heads of the two organizations called for the *ad hoc* working group of government representatives to prepare for negotiations on a framework convention on climate change, which met in Geneva in September 1990.

46. The working group adopted by consensus several recommendations and identified options regarding the organization of the negotiating process for a convention. These recommendations and options were submitted for consid-

eration to the forty-fifth session of the United Nations General Assembly in pursuance of resolution 44/207.

47. On 11 December 1990, the General Assembly adopted resolution on protection of global climate for present and future generations of mankind. By this resolution, the General Assembly recognized the continuing need for scientific research into the sources and effects of climate change and its possible adverse impact, the effectiveness of possible response strategies, and the importance of the active participation of developing countries in the negotiating process. It further decided to establish a single intergovernmental negotiating process (Intergovernmental Negotiating Committee) under the auspices of the General Assembly supported by the UNEP and WMO open to all Member States of the United Nations and specialized agencies of the United Nations system, with the participation of observers, for preparation of an effective framework convention on climate change, containing appropriate commitments, and any

related instruments as might be agreed upon. The Convention should be prepared taking into account proposals to be submitted by States during the negotiating process, the work of the Intergovernmental Panel on Climate Change and the results achieved at international meetings on the subject, including the Second World Climate Conference.

48. Accordingly, the Secretary-General of the United Nations convened the first session of the Intergovernmental Negotiating Committee on a Framework Convention on Climate Change. It was decided that subsequent sessions of the Committee should be convened by the *ad hoc* secretariat established in Geneva. The first negotiating session was held at Washington, D.C. in February 1991.

49. The negotiations are expected to be completed prior to the United Nations Conference on Environment and Development in June 1992 and the Convention is expected to be opened for signature during the Conference.

50. The General Assembly decided to establish a special voluntary fund, administered by the head of the *ad hoc* secretariat under the authority of the Secretary-General of the United Nations to ensure the developing countries' participation in the negotiating process. Governments, regional economic integration organizations, and other interested organizations should contribute to this fund.

51. The General Assembly also requested the head of the *ad hoc* secretariat, appointed by the Secretary-General of the United Nations in consultation with the Executive Director of UNEP and the Secretary-General of WMO, to co-operate closely with IPCC to ensure that the Panel can respond to the requests for scientific and technical advice during the negotiating process.

52. The Secretary-General of the United Nations was requested to submit to the General Assembly, at its forty-sixth session, a report on the progress of the negotiations.

IV DEVELOPMENT OF A GLOBAL CONVENTION ON BIODIVERSITY

53. In its decisions 14/26 and 15/34, the UNEP Governing Council formally recognized and re-emphasized the need for concerted international action to protect biological diversity on Earth by, *inter alia*, the implementation of existing legal instruments and agreements in a co-ordinated and effective way and the adoption of a further appropriate international legal instrument, possibly in the form of a framework convention.

54. Established pursuant to Governing Council decision 14/26 of 17 June 1987, the *Ad Hoc* Group of Experts on Biological Diversity held its first session in Geneva in November 1988. The Executive Director accordingly reported the results to the Governing Council at its fifteenth session, in May 1989.

55. The second session of the Working Group was convened in Geneva in February 1990 to advise further on the contents of a new international legal instrument, with particular emphasis on its socio-economic context. The Group requested the Executive Director to

begin a number of studies as a means of responding to specific issues in the process of developing the new legal instrument. These studies cover: biodiversity global conservation needs and costs, current multilateral, bilateral and national financial support for biological diversity conservation, an analysis of possible financial mechanisms, the relationship between intellectual property rights and access to genetic resources and biotechnology issues. The results of the studies were presented to the Working Group at its third session, which was held in Geneva in July 1990.

56. At the third session, the Working Group advised further on, *inter alia*, the contents of elements for a global framework legal instrument on biological diversity. The Group agreed that in dealing with the issues of costs, financial mechanisms and technology transfer, the broad estimates of the costs involved should be accepted. However, the Group maintained that the complex issues involved in biotechnology transfer required further expert examination, assisted

by a Sub-Working Group on Biotechnology (SWGB), before the set of elements covering the issues could be agreed. Accordingly an expert meeting of the open-ended Sub-Working Group which was held in Nairobi in November 1990 discussed issues relevant to biotechnology transfer, mainly the scope of biotechnologies to be included in the planned convention and ways and means for their transfer to developing countries. Prior to that meeting, the Governing Council, at its second special session, held in August 1990, had adopted decision SS.II/5, which urged the Executive Director to accord high priority to the work on biological diversity and biotechnology with a view to arriving at an international legal instrument for the conservation and rational use of biological diversity within a broad socio-economic context, taking particular account of the need to share costs and benefits between developed and developing countries and ways and means to support innovation by local people. In the same decision, the Governing Council called upon the *Ad Hoc* Working Group of Legal and

Technical Experts established for this purpose to proceed expeditiously with its task.

57. The outcome of the three sessions of the technical working group and the Sub-Working Group on Biotechnology showed that there is an urgent need for a new international legal instrument for the conservation of biological diversity and that a new convention should build upon, co-ordinate and strengthen existing international legal instruments. It must cover the gaps in conservation conventions, avoid duplication and address the full range of biological diversity on three levels: intra-species, inter-species and ecosystems, and both terrestrial and aquatic ecosystems including both *in situ* and *ex situ* conservation. It was clear that certain issues may need to be considered in separate protocols and that, if feasible, these protocols should be negotiated concurrently with the framework convention. It was agreed that the future convention should contain firm funding commitments. Biotechnology transfer was recognized as an important element in

the planned instrument, with a potential to contribute to improved conservation and sustainable utilization of genetic diversity. The experts also agreed that the access to genetic resources should be based on mutual agreement and full respect for the permanent sovereignty of States over their natural resources and that an innovative mechanism that facilitates access to resources and new technologies should be incorporated into the legal instrument.

58. In accordance with Governing Council decision SS.II/5 the first session of the *Ad Hoc* Working Group of Legal and Technical Experts was convened and considered the outcome of the three sessions of the *Ad Hoc* Working Group of Experts on Biological Diversity as well as that of the Sub-Working Group on Biotechnology and revised the content of detailed draft elements in preparation for the actual negotiation of draft articles for a convention on biological diversity. The draft elements prepared by UNEP/ELIU

were revised before the meeting by the Ecosystems Conservation Group (FAO, UNESCO, UNEP, IUCN, WWF) at its special meeting held in October 1990.

59. The first session of the Working Group of Legal and Technical Experts further discussed the elements of the future convention, revised them and proposed the introduction of new elements. On the basis of the above, the UNEP/ELIU prepared a draft Convention on Biological Diversity, which contained all options proposed by experts at the previous meetings. The draft was discussed at the second meeting of the Working Group which took place in Nairobi in February/March 1991. ELIU has also prepared, as requested, the draft rules of procedure for the negotiating process. At its second meeting, the Working Group also agreed on the bureau, on the organization of work and the future meetings to allow, if possible, the adoption of the Convention in 1992.

V. HARMFUL CHEMICALS

60. The United Nations Conference on the Human Environment, recommended:

(a) The strengthening and co-ordination of international programmes for integrated pest control and reduction of the harmful effects of agro-chemicals (recommendation 21);

(b) The development of plans for an International Registry of Data on Chemicals in the Environment based on a collection of available scientific data (recommendation 74 (e)).

61. By its decision 85 (V) of 25 May 1977, the UNEP Governing Council urged Governments to take steps to ensure that potentially harmful chemicals, which are unacceptable for domestic purposes in the exporting country, are not permitted to be exported without the knowledge and consent of appropriate authorities in the importing country.

62. In response to the Montevideo recommendations and a series of decisions of the Govern-

ing Council on harmful chemicals, UNEP through a working group of government experts, developed the Provisional Notification Scheme for Banned and Severely Restricted Chemicals, which was adopted by the Governing Council in decision 12/14 of 28 May 1984. This Scheme, co-ordinated by UNEP's International Register of Potentially Toxic Chemicals (IRPTC), provided for the regular exchange of information between designated national authorities in participating countries on control action to ban or severely restrict a chemical and notifications of export of such harmful chemicals. Consideration of the global guidelines for the exchange of information on potentially harmful chemicals in international trade continued at the second session of the working group of government experts, in 1985.

63. At its third session, in London in 1987, the working group developed the London Guidelines for the Exchange of Information on Chemicals in International Trade. These Guidelines, adopted by the UNEP Governing Council in 1987 by its decision 14/27, constituted

an important step towards the full implementation of decision 85 (V) of 1977 and replaced the Provisional Notification Scheme. The London Guidelines assist Governments in the process of increasing chemical safety through the exchange of information regarding chemicals in international trade. The Guidelines are general in nature and are aimed at enhancing the sound management of chemicals through the exchange of scientific, technical, economic and legal information. Special provisions have been included regarding the exchange of information on banned and severely restricted chemicals in international trade, which call for co-operation between exporting and importing countries in the light of their joint responsibility for the protection of human health and the environment. These Guidelines are complementary to existing instruments developed by the United Nations and the World Health Organization and the FAO International Code of Conduct on the Distribution and Use of Pesticides. By its decision 14/27, the Governing Council requested the Executive Director to convene

an *ad hoc* working group of experts with a view to developing concept and methods of implementation of prior informed consent (PIC) and its inclusion into the London Guidelines. In accordance with this decision, a series of meetings were held between December 1987 and February 1989, when the proposal for incorporating PIC into the Guidelines was finalized. In May 1989, by its decision 15/30, the UNEP Governing Council adopted the amended London Guidelines for the Exchange of Information on Chemicals in International Trade to incorporate the principle of prior informed consent (PIC).

64. PIC refers to the principle that an international shipment of a chemical that is banned or severely restricted should not proceed without the informed consent of the designated national authority in the importing country. Since London Guidelines are not mandatory, each country may decide if it wishes at any time to participate in the PIC procedure by communicating its decision to IRPTC. The amended London Guidelines also provide for

adequate training in the safe use of chemicals and technical assistance for developing countries which could facilitate the decision making process. As chemicals defined in the Guidelines include both industrial chemicals and pesticides, the joint responsibility of UNEP and FAO in operating the PIC procedure has been identified in the amended London Guidelines. UNEP and FAO have co-operated in the development of the PIC procedure. The principle of PIC has been also developed and incorporated into the International Code of Conduct on the Distribution and Use of Pesticides by the FAO Conference held in November 1989.

65. By its decision 15/30, the Governing Council also requested the Executive Director to reconvene the *Ad Hoc* Working Group which had prepared the amendments to the London Guidelines with a view to:

(a) Monitoring the implementation of the amended London Guidelines, in particular attention to PIC procedure;

(b) Reviewing other activities related to the production and use of chemicals in States with specific reference to activities of UNEP, FAO and other organizations;

(c) Preparing a report on any further steps which should be taken to supplement the amended London Guidelines, including the possible further need for a convention, for submission to the Governing Council at its sixteenth session.

66. The first session of the *Ad Hoc* Working Group of Experts on the Implementation of the Amended London Guidelines was held in Nairobi in October 1990. Its second session took place in April 1991. The October meeting requested that a sub-group of legal and technical experts be convened in order to examine and revise the draft model legislation on the management of chemicals prepared by UNEP/ELIU. This sub-group met in Nairobi from 14 to 16 January 1991 and revised the draft model national legislation on the management of chemicals for the implementation of the amended London Guidelines. The draft

model legislation was further discussed at the second session of the *Ad Hoc* Working Group in April 1991 in Geneva. The second session of the Working Group came up with several recommenda-

tions for consideration by UNEP's Governing Council in May 1991; mainly future work on strengthening the legal basis of the amended London Guidelines through the development of a convention.

VI. ENVIRONMENTAL IMPACT ASSESSMENT

67. UNEP has actively promoted the development of guidelines for environmental impact assessment. In 1979, the UNEP Industry and Environment Office prepared a set of "Guidelines for Assessing Industrial Environmental Impact and Environmental Criteria for the Siting of Industry". These guidelines were subsequently reviewed in a series of regional workshops from 1980 to 1984, followed by a seminar on environmental impact assessment for development held in the Federal Republic of Germany in April 1984. Pursuant to Governing Council decision 12/14 of 1984, the UNEP Working Group of Experts on Environmental Law held its first session on legal aspects of environmental impact assessment, in Washington D.C. in June 1984. The Working Group considered a set of draft goals and principles, with special emphasis on transboundary impacts. At its session in Geneva in January 1987, the Working Group reached consensus on the proposed Goals and Principles of Environmental Impact Assessment. This final text consists of a preliminary note, three

goals and thirteen principles. The preliminary note indicates that environmental impact assessment of planned activities has the purpose of "ensuring environmentally sound and sustainable development". The first goal seeks to establish that before decisions are taken to undertake or to authorize activities that are likely to significantly affect the environment, the environmental effects should be taken fully into account. The second promotes implementation of appropriate national procedures in order to implement EIA and the third encourages countries to develop reciprocal procedures for notification, information exchange and consultation on activities that are likely to have significant transboundary environmental effects. The thirteen specific principles further elaborate the goals.

68. The UNEP Governing Council adopted the Goals and Principles of Environmental Impact Assessment by its decision 14/25 of 17 June 1987 and also requested the Executive Director to bring this document to the attention of all

States and relevant international organizations, including multilateral development banks, with the recommendation that the Goals and Principles be considered as a basis for preparing national measures in the field, as well as for international co-operation, including preparation of international agreements. The Governing Council further requested the Executive Director to assist States in implementing the Goals and Principles and to investigate measures for further international co-operation in this field, including the application of environmental impact assessment to projects with possible transboundary environmental effects. At its fifteenth session, the

Governing Council, by its decision 15/41, taking into consideration the report prepared by the Executive Director on the implementation of Goals and Principles called on Governments to increase their use and authorized the Executive Director to continue to seek the views of Governments and relevant international organizations for further development in this field.

69. It is worth mentioning that to a large extent the first draft of the European Convention on Environmental Impact Assessment in a Transboundary context was largely based on the Goals and Principles developed under UNEP auspices.

VII. MARINE POLLUTION FROM LAND-BASED SOURCES

70. The Montevideo Programme led to the establishment by the Governing Council of an *Ad Hoc* Working Group of Experts for the Protection of the Marine Environment against Pollution from Land-based Sources. The *Ad Hoc* Working Group held three working sessions between 1983 and 1985, resulting in the Montreal Guidelines for the Protection of the Marine Environment against Pollution from Land-based Sources, finalized in Montreal in 1985. Under section II of its decision 13/18 of 24 May 1985, the UNEP Governing Council adopted these Guidelines and encouraged "States and international organizations to take the Montreal Guidelines for Protection of the Marine Environment against Pollution from Land-based Sources into account in the process of developing bilateral, regional and, as appropriate, global agreements in this field". The Guidelines were prepared on the basis of common elements and principles contained in existing agreements, drawing upon experience already gained through their preparation and implementation. Principal among

these agreements are the United Nations Convention on the Law of the Sea (part XII), the Paris Convention for the Prevention of Marine Pollution from Land-based Sources, the Helsinki Convention on the Protection of the Marine Environment of the Baltic Sea Area and the Athens Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources.

71. The Montreal Guidelines cover areas such as: co-operation in establishing rules, criteria, standards and recommended practices and procedures to prevent, reduce and control pollution; scientific and technical co-operation; establishment of programmes for monitoring and data management; establishment of specially protected areas; and development of control strategies. The three annexes to the Guidelines provide detailed descriptions of control strategies and instruments and a framework for achieving environmental protection; selection and classification of substances to control and the designation and implementation of monitoring programmes, quality

control and management of data. Three types of control strategies are described: strategies based on marine environmental quality standards, strategies based on emission standards, and strategies based on environmental planning. Many countries and a number of international organizations within and outside the United Nations system have replied to the requests made by UNEP in September 1987 and September 1990 for information about the implementation and use of the Montreal Guidelines. The replies indicate that the Montreal Guidelines have been the basis for the creation of binding international law, for example, within the South-East Pacific Action Plan and for the development by the World Bank of its guidelines on marine and coastal pollution, and were instrumental in the negotiation of several interna-

tional agreements and programmes. They have also been used to develop and formulate national law.

72. The need for a global convention on the protection of the marine environment against pollution from land-based sources was emphasized in 1990 at several forums, such as the Preparatory Committee for the United Nations Conference on Environment and Development and the Consultative Committee on London Dumping Convention as well as at Intergovernmental Meeting of Experts on Land-Based Sources of Marine Pollution at Halifax, Canada in 1991. The Montreal Guidelines and the experience gained in their implementation are expected to be taken into account in the preparation of a global convention on this subject.

VIII. ASSISTANCE IN THE DEVELOPMENT OF NATIONAL LEGISLATION IN THE FIELD OF ENVIRONMENT AND INSTITUTIONAL ARRANGEMENTS

73. Pursuant to General Assembly resolution 3436 (XXX) of 9 December 1975 and in accordance with the Governing Council decision 66 (IV) of April 1976, the Executive Director of UNEP was requested to provide technical assistance to developing countries, at their request, in the development of their national environmental legislation. Since then, over fifty developing countries, at their request, have received technical assistance from UNEP in the field of environmental legislation and administration, resulting in a series of reports to governments, recommendations and draft instruments. UNEP legal experts and consultants have contributed to the formulation of new - and development of existing - legal instruments in Africa, Asia and Latin America and the Caribbean.

74. While country missions are in most cases financed from the technical assistance budgets of the five UNEP regional offices, new sources of funding have been added by the establishment of the UNEP clearing-house mechanism which channels bilateral develop-

ment aid through UNEP to developing countries facing environmental problems. UNEP is focusing its efforts on assisting developing countries in applying the four basic goals of assessment, planning and policies, legislation, and awareness, to achieve environmentally sound and sustainable development.

Africa

75. Regarding Africa, a joint UNEP/ECA mission visited a total of 15 African countries in 1975/76 and again in 1979/80, to evaluate national environmental institutions and to prepare a survey of existing legislation, which was then reviewed at a regional seminar for lawyers on the development of environmental protection legislation, held in Addis Ababa in September/October 1980, and published in 1982. Several comparative surveys of legislation protecting marine and coastal environments have been carried out by UNEP - jointly with WHO, UNESCO, IUCN and the International Juridical Organization (IJO) for the Mediterranean in 1976 and

1980 and jointly with FAO for West Africa in 1978 and for East Africa in 1983, as part of UNEP's regional seas programme. Technical assistance in dealing with different environmental law and institutional requests have been provided by UNEP for 24 African countries.

Asia and the Pacific

76. Concerning Asia and the Pacific, the status of national legislation was reviewed, with the assistance of questionnaires and consultants, at a joint UNEP/ESCAP intergovernmental meeting on environmental protection legislation held in Bangkok in July 1978. This has been followed up by several UNEP and ESCAP projects which included expert meetings, [e.g. the Expert Group Meeting on the Integration of Environmental Policy into Development; Institutional and Legal Aspects (Tokyo, June 1984) and the regional meeting on national policy (e.g. for the protection of the ozone layer held in Tokyo in June 1989)]. ELIU in co-operation with the UNEP Regional Office for Asia

and the Pacific (ROAP) continues to be involved in the development of national institutions on environmental protection and development of national legislation in the Asian countries. ELIU and ROAP have provided relevant assistance to 21 countries in the region.

Latin America and the Caribbean

77. In 1984, the UNEP Regional Office for Latin America and the Caribbean published, and is still updating, a collection of the full texts of national environmental laws and developed plans for regional action and information exchange on environmental laws and institutions. In 1985, ELIU and the Regional Office for Latin America and the Caribbean initiated a project to provide assistance to countries in the region to strengthen this environmental institutions and develop national legislation.. To date, technical assistance in the field of environmental legislation and institutional development has been provided to 15 countries in the region.

Eastern Europe

78. UNEP and the Council for Mutual Economic Assistance (CMEA) have initiated a project relating to environmental legislation in East European countries. Under this project, a compendium of environmental legislation and machinery in Bulgaria, Czechoslovakia, Poland, German Democratic Republic, Hungary and USSR has been developed, together with a computerized data base on environmental legislation in these countries. There have been two advisory meetings, one in Moscow in December 1987 and the second in 1988. The compendium was finalized at the time when it had become obvious that existing law and institutional arrangements in Eastern European countries were not really effective in the protection of environment and the countries concerned were simultaneously deciding to prepare new legislation and administrative arrangements in the field of environment. ELIU, therefore, decided not to publish the compendium since it could only have historical

value. The text is, however, available from ELIU. Recently Romania requested UNEP for assistance in development of environmental legislation and administration.

Information on national laws and institutions

79. Since 1978, factual information on national environmental law and administration in all United Nations Member States has been compiled and updated in the form of standardized "country profiles". Some 14 of them were integrated into a comparative handbook which was published in 1983. ELIU has developed a data base system on national legislation and institutional arrangements for most of the countries, particularly developing countries, which is updated on a constant basis.

80. ELIU publishes a **Directory of Principal Governmental Bodies Dealing with the Environment**, which is updated every two years. The Directory is one of ELIU's most requested publications.

81. In an effort to facilitate and harmonize the briefing of consultants on environmental law missions, UNEP has published in 1979 a Manual of Environmental Legislation in UNEP. Another set of guidelines, entitled "New Directions in Environmental Legislation and Administration Particularly in Developing Countries", was issued by ELIU in 1989.

82. The growing volume and complexity of legislative data on the environment has led to the increased use of computerized data processing, storage and retrieval. Within the framework of the UNEP INFOTERRA information network, an agreement concluded in 1984 with IUCN Environmental Law Centre ensures the rapid supply of foreign legislative information upon request, especially for users from developing countries.

Other specialized computer files for environmental law data include the index of species listed in legislation (prepared for the purposes of the CITES Convention), containing references to legislative texts concerning more than 10,000 wild animals, and the IRPTC legal file indicating the current legal control status of over 600 toxic chemicals under different national and international texts.

83. The country files containing information about national environmental legislation and administrative structures have been developed into the data system within ELIU. ELIU/UNEP together with the convention secretariats is also collecting necessary information regarding national law and regulations to implement the Montreal Protocol and Basel Convention.

IX. PROMOTION OF PUBLIC AWARENESS OF INTERNATIONAL ENVIRONMENTAL LAW AND INSTITUTIONS

84. A matter of vital importance in strengthening the implementation of international environmental law is the collection and processing of relevant information on the status of legal instruments. Pursuant to a standing request of the United Nations General Assembly, the UNEP secretariat maintains, updates and circulates every second year a Register of International Treaties and Other Agreements in the Field of the Environment, summarizing the provisions, membership, entry into force etc of over 150 multilateral environmental agreement. This work was initiated by UNEP in 1975, pursuant to Governing Council decision 24 (III) of 30 April 1975 and General Assembly resolution 3436 (XXX) of 9 December 1975, with the first Register being submitted through the Governing Council to the General Assembly in 1977. From that time on, this work has been carried out on a regular basis providing necessary information to the countries and international organizations concerned, and also, by disseminating this information throughout the world community, stimulating an expansion of the

membership in the existing legal instruments. The Register is one of the most frequently requested documents produced by ELIU. Also every two years, the Executive Director of UNEP presents to the General Assembly a report on international conventions and protocols, which provides information on new conventions and agreements in the field of the environment and information on their implementation.

85. A collection of texts of Selected Multilateral Treaties in the Field of the Environment concluded up to 1979 in English and French was published in 1982 and 1983 by UNEP. A second volume of this book containing treaties adopted since then has been prepared and is expected to be published in 1991. One of the aims of this activity is to promote the wider acceptance and use of existing international legal instruments by Governments.

86. ELIU publishes in booklet form the texts of all agreements, guidelines and principles developed under its auspices in the

Environmental Law Guidelines and Principles Series. The following booklets have been issued in the series. (1) Stockholm Declaration (1972);* (2) Shared Natural Resources (1978); (3) Weather Modification (1980); (4) Offshore Mining and Drilling (1982); (5) World Charter for Nature (1982);* (6) Banned and Severely Restricted Chemicals (1984); (7) Marine Pollution from Land-based Sources (1985); (8) Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes (1987); (9) Goals and Principles of Environmental Impact Assessment (1987); (10) London Guidelines for the Exchange of Information on Chemicals in International Trade (1987) and amended version in 1989.

87. ELIU has also published the texts of the Agreement on the Action Plan for the Environmentally Sound Management of the Common Zambezi River System (1987), the Vienna Convention for the Protection of the Ozone Layer

(1985), the Montreal Protocol on Substances that Deplete the Ozone Layer (1987), and Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989).

88. In 1990, UNEP/ELIU started issuing Environmental Law Library booklets. The one issued already in 1990 of the collection deals with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, including the problem of illegal traffic. In 1989 a booklet on Hazardous Wastes entitled "Why Africa should act now" was issued by UNEP to assist African countries with their acute problems related to hazardous wastes.

89. In its work UNEP/ELIU is co-operating mainly with the following international organizations: FAO (biological diversity, prior informed consent), IMO (Basel Convention), WMO (climate, ozone), UNESCO (biological diversity), WIPO (Montreal Proto-

* Developed under the auspices of the United Nations.

col), UNDP (Ozone Multilateral Fund), World Bank (Ozone Multilateral Fund, technical assistance to developing countries), GATT (implementation of Amended London Guidelines), as well as with the United Nations Secretariat and regional economic commissions. ELIU closely co-operates also with EEC (almost all areas of ELIU work), OECD (Basel Convention, harmful chemicals), IUCN (biological diversity convention, national legislation), and with non-governmental organizations which actively participated in the meetings of the working groups of experts on liability and compensation, Basel Convention, London Guidelines, biological diversity and the protection of the ozone layer. ELIU/UNEP co-operates also with industry.

90. ELIU/UNEP calls, when necessary, for informal meetings of

recognized lawyers - senior advisors to the Executive Director - to advise UNEP on planned conventions, activities and to consider the new concepts which need further clarification and/or development. These meetings have been called during the preparatory work for the Basel Convention, the planned Biodiversity Convention, the Vienna Convention and Montreal Protocol and also in the development of some legal concepts and structural proposals, such as, most recently, in 1990/91, the concept of common concern of mankind and on the Governing Council's role in the prevention of, and assisting in, the resolution of environmental conflicts, and in strengthening the implementation of international legal instruments and their verification. The 1990 meeting's proceedings on the concept of the Common Concern of Mankind were issued by UNEP in 1991.



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