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SACEP/UNEP/NORAD Publication Series on Environmental Law and Policy No. 1

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**SOUTH ASIA HANDBOOK  
OF TREATIES AND OTHER LEGAL INSTRUMENTS  
IN THE FIELD OF ENVIRONMENTAL LAW**

Published by:  
South Asia Co-operative Environment Programme (SACEP) and  
United Nations Environment Programme (UNEP)  
with financial support from  
The Norwegian Agency for Development Co-operation (NORAD)



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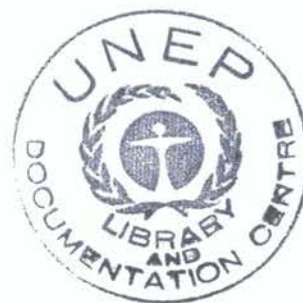
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*Compiled by*

*Prasantha Dias Abeyegunawardene  
Lal Kurukulasuriya  
and Clare Cory*

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## FOREWORD

Environmental law is one of the most rapidly developing branches of International Law. Several important global and regional environmental conventions, agreements and other legal instruments have been negotiated and concluded in the run-up to and since the United Nations Conference on the Human Environment, held in Stockholm, in 1972.

These international legal instruments are the principle means by which the world community expresses and implements consensus on measures to protect and preserve the environment for the benefit of the present and future generations in the context of sustainable development. They also constitute one of the most important means for developing and consolidating new legal concepts and principles, such as the common heritage of mankind, common but differentiated responsibility, the polluter pays principle, and thereby promote the progressive development of International Law in the important area of Environment and Development. As such, access to these international conventions, agreements and other legal instruments is essential for taking appropriate measures at national and regional levels to translate these accords into action, as well as for participating effectively in the progressive development of Environmental Law. Facilitating such access as widely as possible in countries in South Asia is the aim of this publication.

The South Asia Co-operative Environment Programme, established in 1982 as the principal inter-governmental regional organisation in South Asia to promote regional co-operation and national action for environmental management and conservation and sustainable use of natural resources, has, for several years, been carrying out a programme of activities in the area of environment within the framework of its regional Strategies for Environmental Management in South Asia. In 1996, SACEP joined hands with the United Nations Environment Programme (UNEP) to develop a Joint Programme of Activities in the field of Environmental Law and Policy in South Asia, with financial support from the Government of Norway channelled through the Royal Norwegian Embassy in Colombo, Sri Lanka and the Norwegian Agency for Development Co-operation (NORAD).

UNEP has been at the vanguard of the progressive development of Environmental Law and a large number of the post-Stockholm Environmental Conventions, Regional Agreements and other legal instruments have been negotiated under its auspices. It has also carried out an extensive programme of assistance to countries to support them in their on-going efforts to reinforce national legal and institutional measures for pursuing a path of sustainable development. Consequently, UNEP has an unique reservoir of legal expertise and experience- both at its headquarters in Nairobi at the Environmental Law and Institutions Programme Activity Centre and at its Regional Office for Asia and the Pacific in Bangkok, in the field of Environmental Law and related capacity building.

The partnership between SACEP and UNEP has paved the way for delivering cost-effective and non-duplicative programmes of technical advise and co-operation in the field of Environmental Law and Policy, responding specifically to the particular needs and circumstances of countries in South Asia. I wish to express our deep appreciation and gratitude to Ms. Elizabeth Dowdeswell, the Executive Director of the United Nations Environment Programme for the unfailing commitment and resolve with which she has supported the partnership between UNEP and SACEP, not only in the area of Environmental Law, but also in several other key areas of environmental management, such as, the South Asia Regional Seas Action Plan. Her dynamic leadership, vision and attention to practical and effective implementation have contributed in a signal way to consolidating inter-agency partnership and the effective regional delivery of the joint programme of activities.



The SACEP/UNEP Programme of Co-operation also owes much to Dr. Suvit Yodmani, the Director and Representative of UNEP's Regional Office for Asia and the Pacific, and Mr. Donald Kaniaru, Acting Director of UNEP's Environmental Law and Institutions Programme Activity Centre, who have brought their extensive experience and insight into the regional, environmental law, and capacity building dimensions of the Joint Programme.

I should also like to express my appreciation of the work done by the compilers of this publication, Mr. Prasantha Dias Abeyegunawardene, Deputy Director Programmes of SACEP, Mr. Lal Kurukulasuriya, Chief of UNEP's Regional Environmental Law Programme and Ms. Clare Cory, Environmental Law Officer at UNEP's Regional Office for Asia and the Pacific for compiling this important publication. Finally, I should like to thank Mr. Pradeep Kurukulasuriya, Project Co-ordinator, NORAD/SACEP Project on Environmental Law, to whom the production of this publication was entrusted.

I sincerely hope that this Publication will be extensively used by all those engaged in activities in the area of Environment and Development in the South Asian countries and that they will find it a useful contribution to their efforts to promote the realisation of the goals of sustainable development in their respective countries, and in the South Asia Region as a whole.

Hussein Shihab  
Director

**SECTION I**

**INTERNATIONAL ENVIRONMENTAL CONVENTIONS AND INSTRUMENTS**

**PART A**

**CONVENTIONS**

## CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT.

Adopted at Ramsar on 2 February 1971

### PREAMBLE

The Contracting Parties,

*Recognizing* the interdependence of Man and his environment;

*Considering* the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

*Being* convinced that wetlands constitute a resource of great economic, cultural, scientific, and recreational value, the loss of which would be irreparable;

*Desiring* to stem the progressive encroachment on and loss of wetlands now and in the future;

*Recognizing* that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;

*Being* confident that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with coordinated international action;

Have agreed as follows:

### Article 1

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters.
2. For the purpose of this Convention waterfowl are birds ecologically dependent on wetlands.

### Article 2

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List" which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six meters at low tide lying within the wetlands, especially where these have importance as waterfowl habitat.
2. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology, or hydrology. In the first instance wetlands of international importance to waterfowl at any season should be included.
3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.
4. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Article 9.
5. Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest



possible time, inform the organization or Government responsible for the continuing bureau duties specified in Article 8 of any such changes.

6. Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

*Article 3*

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.

2. Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

*Article 4*

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.

2. Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.

3. The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.

4. The Contracting Parties shall endeavor through management to increase waterfowl populations on appropriate wetlands.

5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

*Article 5*

The Contracting Parties shall consult with each other about implementing obligations arising from the Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties. They shall at the same time endeavor to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

*Article 6*

1. The Contracting Parties shall, as the necessity arises, convene Conferences on the Conservation of Wetlands and Waterfowl.

2. The Conferences shall have an advisory character and shall be competent, inter alia:

- (a) to discuss the implementation of this Convention;
- (b) to discuss additions to and changes in the List;
- (c) to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- (d) to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;
- (e) to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands;

3. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

*Article 7*

1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities.

2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations being adopted by a simple majority of the votes cast, provided that not less than half the Contracting Parties cast votes.

*Article 8*

1. The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.

2. The continuing bureau duties shall be, inter alia:

- (a) to assist in the convening and organizing of Conferences specified in Article 6;
- (b) to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with paragraph 5 of Article 2;
- (c) to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- (d) to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;
- (e) to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

*Article 9*

1. This Convention shall remain open for signature indefinitely.

2. Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy Agency or Party to the Statute of the International Court of Justice may become a Party to this Convention by:

- (a) signature without reservation as to ratification;
- (b) signature subject to ratification followed by ratification;
- (c) accession.

3. Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "the Depository").

*Article 10*

1. This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with paragraph 2 of Article 9.

2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

*Article 10 bis*



1. This Convention may be amended at a meeting of the Contracting Parties convened for that purpose in accordance with this article.
2. Proposals for amendment may be made by any Contracting Party.
3. The text of any proposed amendment and the reasons for it shall be communicated to the organization or government performing the continuing bureau duties under the Convention (hereinafter referred to as "the Bureau") and shall promptly be communicated by the Bureau to all Contracting Parties. Any comments on the text by the Contracting Parties shall be communicated to the Bureau within three months of the date on which the amendments were communicated to the Contracting Parties by the Bureau. The Bureau shall, immediately after the last day for submission of comments, communicate to the Contracting Parties all comments submitted by that day.
4. A meeting of Contracting Parties to consider an amendment communicated in accordance with paragraph 3 shall be convened by the Bureau upon the written request of one third of the Contracting Parties. The Bureau shall consult the Parties concerning the time and venue of the meeting.
5. Amendments shall be adopted by a two-thirds majority of the Contracting Parties present and voting.
6. An amendment adopted shall enter into force for the Contracting Parties which have accepted it on the first day of the fourth month following the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance with the Depository. For each Contracting Party which deposits an instrument of acceptance after the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance, the amendment shall enter into force on the first day of the fourth month following the date of the deposit of its instrument of acceptance.

*Article 11*

1. This Convention shall continue in force for an indefinite period.
2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that Party by giving written notice thereof to the Depository. Denunciation shall take effect four months after the day on which notice thereof is received by the Depository.

*Article 12*

1. The Depository shall inform all States that have signed and acceded to this Convention as soon as possible of:
  - (a) signatures to the Convention;
  - (b) deposits of instruments of ratification of this Convention;
  - (c) deposits of instruments of accession to this Convention;
  - (d) the date of entry into force of this Convention;
  - (e) notifications of denunciation of this Convention.
2. When this Convention has entered into force, the Depository shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Ramsar this 2nd day of February 1971, in a single original in the English, French, German and Russian languages, all texts being equally authentic which shall be deposited with the Depository which shall send true copies thereof to all Contracting Parties.

\*\*\*\*\*

## CONVENTION FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE.

Adopted at Paris on 23 November 1972

### PREAMBLE

The General Conference of the United Nations Educational, Scientific and Cultural Organization meeting in Paris from 17 October to 21 November 1972, at its seventeenth session,

*Noting* that the cultural heritage and the natural heritage are increasingly threatened with destruction not only by the traditional causes of decay, but also by changing social and economic conditions which aggravate the situation with even more formidable phenomena of damage or destruction,

*Considering* that deterioration or disappearance of any item of the cultural or natural heritage constitutes a harmful impoverishment of the heritage of all the nations of the world,

*Considering* that protection of this heritage at the national level often remains incomplete because of the scale of the resources which it requires and of the insufficient economic, scientific and technical resources of the country where the property to be protected is situated,

*Recalling* that the Constitution of the Organization proves that it will maintain, increase and diffuse knowledge, by assuring the conservation and protection of the world's heritage, and recommending to the nations concerned the necessary international conventions,

*Considering* that the existing international conventions, recommendations and resolutions concerning cultural and natural property demonstrate the importance, for all the peoples of the world, of safeguarding this unique and irreplaceable property, to whatever people it may belong,

*Considering* that parts of the cultural or natural heritage are of outstanding interest and therefore need to be preserved as part of the world heritage of mankind as a whole,

*Considering* that, in view of the magnitude and gravity of the new dangers threatening them, it is incumbent on the international community as a whole to participate in the protection of the cultural and natural heritage of outstanding universal value, by the granting of collective assistance which, although not taking the place of action by the State concerned, will serve as an effective complement thereto,

*Considering* that it is essential for this purpose to adopt new provisions in the form of a convention establishing an effective system of collective protection of the cultural and natural heritage of outstanding universal value; organized on a permanent basis and in accordance with modern scientific methods, Having decided, at its sixteenth session, that this question should be made the subject of an international convention,

Adopts on this sixteenth day of November 1972 this Convention.

### I. DEFINITIONS OF THE CULTURAL AND THE NATURAL HERITAGE

#### *Article 1*

For the purposes of this Convention, the following shall be considered as "cultural heritage": monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science; groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science; sites: works of man or the combined works of nature and of man, and areas including archeological sites which are of outstanding universal value from the historical, aesthetic



ethnological or anthropological points of view.

*Article 2*

For the purposes of this Convention, the following shall be considered as "natural heritage"; natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view; ecological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation; natural sites or precisely delineated areas of outstanding universal value from the point of view of science, conservation or natural beauty.

*Article 3*

It is for each State Party to this Convention to identify and delineate the different properties situated on its territory mentioned in Articles 1 and 2 above.

**II. NATIONAL PROTECTION AND INTERNATIONAL PROTECTION  
OF THE CULTURAL AND NATURAL HERITAGE**

*Article 4*

Each State Party to this Convention recognizes that the duty of ensuring the identifications, protection, conservation, presentation and transmission to future generations of the cultural and natural heritage referred to in Article 1 and 2 and situated on its territory, belongs primarily to that State. It will do all it can to this end, to the utmost of its own resources and where appropriate, with any international assistance and co-operation, in particular, financial, artistic, scientific and technical, which it may be able to obtain.

*Article 5*

To ensure that effective and active measures are taken for the protection, conservation and presentation of the cultural and natural heritage situated on its territory, each State Party to this Convention shall endeavor, in so far as possible, and as appropriate for each country:

- a) to adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programmes;
- b) to set up within its territories, where such services do not exist, one or more services for the protection, conservation and presentation of the cultural and natural heritage with an appropriate staff and possessing the means to discharge their functions;
- c) to develop scientific and technical studies and research and to work out such operating methods as will make the State capable of counteracting the dangers that threaten its cultural or natural heritage;
- d) to take the appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and
- e) to foster the establishment or development of national or regional centers for training in the protection, conservation and presentation of the cultural and natural heritage and to encourage scientific research in this field.

*Article 6*

1. Whilst fully respecting the sovereignty of the States on whose territory the cultural and natural heritage

mentioned in Articles 1 and 2 is situated, and without prejudice to property rights provided by national legislation, the States Parties to this Convention recognize that such heritage constitutes a world heritage for whose protection it is the duty of the international community as a whole to co-operate.

2. The States Parties undertake, in accordance with the provisions of this Convention, to give their help in the identification, protection, conservation and preservation of the cultural and natural heritage referred to in paragraphs 2 and 4 of Article 11 if the States on whose territory it is situated so request.

3. Each State Party to this Convention undertakes not to take any deliberate measures which might damage directly or indirectly the cultural and natural heritage referred to in Articles 1 and 2 situated on the territory of other States Parties to this Convention.

#### *Article 7*

For the purpose of this Convention, international protection of the world cultural and natural heritage shall be understood to mean the establishment of a system of international co-operation and assistance designed to support States Parties to the Convention in their efforts to conserve and identify that heritage.

### **III. INTERGOVERNMENTAL COMMITTEE FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE**

#### *Article 8*

1. An Intergovernmental Committee for the Protection of the Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Committee", is hereby established within the United Nations Educational, Scientific and Cultural Organization. It shall be composed of 15 States Parties to the Convention, elected by States Parties to the Convention meeting in general assembly during the ordinary session of the General Conference of the United Nations Educational, Scientific and Cultural Organization. The number of States members of the Committee shall be increased to 21 as from the date of the ordinary session of the General Conference following the entry into force of this Convention for at least 40 States.

2. Election of members of the Committee shall ensure an equitable representation of the different regions and cultures of the world.

3. A representative of the International Center for the Study of the Preservation and Restoration of Cultural Property (Rome Center), a representative of the International Council of Monuments and Sites (ICOMOS) and a representative of the International Union for Conservation of Nature and Natural Resources (IUCN), to whom may be added, at the request of States Parties to the Convention meeting in general assembly during the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization, representatives of other intergovernmental or non-governmental organizations, with similar objective, may attend the meetings of the Committee in an advisory capacity.

#### *Article 9*

1. The term of office of States members of the World Heritage Committee shall extend from the end of the ordinary session of the General Conference during which they are elected until the end of its third subsequent ordinary session.

2. The term of office of one-third of the members designated at the time of the first election shall however, cease at the end of the first ordinary session of the General Conference following that at which they were elected; and the term of office of a further third of the members designated at the same time shall cease at the end of the second ordinary session of the General Conference following that at which they were elected. The names of these members shall be chosen by lot by the President of the General Conference of the United Nations Educational, Scientific and Cultural Organization after the first election.



3. States members of the Committee shall choose as their representatives persons qualified in the field of the cultural or natural heritage.

*Article 10*

1. The World Heritage Committee shall adopt its Rules of Procedure.
2. The Committee may at any time invite public or private organizations or individuals to participate in its Meetings for consultation or particular problems.
3. The Committee may create such consultative bodies as it deems necessary for the performance of its functions.

*Article 11*

1. Every State Party to this Convention shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the list provided for in paragraph 2 of this Article. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.
2. On the basis of the inventories submitted by States in accordance with paragraph 1, the Committee shall establish, keep up to date and publish, under the title of "World Heritage List", a list of properties forming part of the cultural heritage and natural heritage, as defined in Articles 1 and 2 of this Convention, which it considers as having outstanding universal value in terms of such criteria as it shall have established. An updated list shall be distributed at least every two years.
3. The inclusion of a property in the World Heritage List requires the consent of the State concerned. The inclusion of a property situated in a territory, sovereignty or jurisdiction over which is claimed by more than one State shall in no way prejudice the rights of the parties to the dispute.
4. The Committee shall establish, keep up to date and publish, whenever circumstances shall so require, under the title of "List of World Heritage in Danger", a list of the property appearing in the World Heritage List for the conservation of which major operations are necessary and for which assistance has been requested under this Convention. This list shall contain an estimate of the cost of such operations. The list may include only such property forming part of the cultural and natural heritage as is threatened by serious and specific dangers, such as the threat of disappearance caused by accelerated deterioration, large-scale public or private projects or rapid urban or tourist development projects, destruction caused by changes in the use or ownership of the land; major alterations due to unknown causes; abandonment for any reason whatsoever, the outbreak or the threat of an armed conflict calamities and cataclysms; serious fires, earthquakes, landslides, volcanic eruptions, changes in water level, floods, arid tidal waves. The Committee may at any time in case of urgent need, make a new entry in the List of World Heritage in Danger and publicize such entry immediately.
5. The Committee shall define the criteria on the basis of which a property belonging to the cultural or natural heritage may be included in either of the lists mentioned in paragraphs 2 and 4 of this article.
6. Before refusing a request for inclusion in one of the two lists mentioned in paragraphs 2 and 4 of this article, the Committee shall consult the State Party in whose territory the cultural or natural property in question is situated.
7. The Committee shall, with the agreement of the State concerned, co-ordinate and encourage the studies and research needed for the drawing up of the lists referred to in paragraph 2 and 4 of this article.

*Article 12*

The fact that a property belonging to the cultural or natural heritage has not been included in either of the two lists

mentioned in paragraphs 2 and 4 of Article 11 shall in no way be construed to mean that it does not have an outstanding universal value for purposes other than those resulting from inclusion in these lists.

*Article 13*

1. The World Heritage Committee shall receive and study requests for international assistance formulated by State Parties to this Convention with respect to property forming part of the cultural or natural heritage, situated in their territories, and included or potentially suitable for inclusion in the lists referred to in paragraphs 2 and 4 of Article 11. The purpose of such requests may be to secure the protection, conservation, presentation or rehabilitation of such property.
2. Requests for internal assistance under paragraph 1 of this article may also be concerned with identification of cultural or natural property defined in Articles 1 and 2, when preliminary investigations have shown that further inquiries would be justified.
3. The Committee shall decide on the action to be taken with regard to these requests, determine where appropriate, the nature and extent of its assistance, and authorize the conclusion, on its behalf, of the necessary arrangements with the government concerned.
4. The Committee shall determine an order of priorities for its operations. It shall in so doing bear in mind the respective importance for the world cultural and natural heritage of the property requiring protection, the need to give international assistance to the property most representative of a natural environment or of the genius and the history of the peoples of the world, the urgency of the work to be done, the resources available to the States on whose territory the threatened property is situated and in particular the extent to which they are able to safeguard such property by their own means.
5. The Committee shall draw up, keep up to date and publicize a list of property for which international assistance has been granted.
6. The Committee shall decide on the use of the resources of the Fund established under Article 15 of this Convention. It shall seek ways of increasing these resources and shall take all useful steps to this end.
7. The Committee shall co-operate with international and national governmental and non-governmental organizations having objectives similar to those of this Convention. For the implementation of its programmes and projects, the Committee may call on such organization, particularly the International Center for the Study of the Preservation and Restoration of Cultural Property (the Rome Center), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN), as well as on public and private bodies and individuals.
8. Decisions of the Committee shall be taken by a majority of two-thirds of its members present and voting. A majority of the members of the Committee shall constitute a quorum.

*Article 14*

1. The World Heritage Committee shall be assisted by a Secretariat appointed by the Director-General of the United Nations Educational Scientific and Cultural Organization.
2. The Director-General of the United Nations Educational Scientific and Cultural Organization utilizing to the fullest extent possible the service of the International Center for the Study of the Preservation and the Restoration of Cultural Property (the Rome Center), the International Council of Monuments and Sites (ICOMOS) and the International Union for Conservation of Nature and Natural Resources (IUCN) in their respective areas of competence and capability, shall prepare the Committee's documentation and the agenda of its meetings and shall have the responsibility for the implementation of its decisions.



#### **IV. FUND FOR THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE**

*Article 15*

1. A Fund for the Protection of the World Cultural and Natural Heritage of Outstanding Universal Value, called "the World Heritage Fund", is hereby established.
2. The Fund shall constitute a trust fund, in conformity with the provisions of the Financial Regulations of the United Nations Educational, Scientific and Cultural Organization.
3. The resources of the Fund shall consist of:
  - a) compulsory and voluntary contributions made by the States Parties to this Convention,
  - b) contributions, gifts or bequests which may be made by:
    - (i) other States;
    - (ii) the United Nations Educational, Scientific and Cultural organizations, other organizations of the United Nations system, particularly the United Nations Development Programme or other intergovernmental organizations.
    - (iii) public or private bodies or individuals;
  - c) any interest due on the resources of the Fund;
  - d) funds raised by collections and receipts from events organized for the benefit of the Fund; and
  - e) all other resources authorized by the Fund's regulations, as drawn up by the World Heritage Committee.
4. Contributions to the Fund and other forms of assistance made available to the Committee may be used only for such purposes as the Committee shall define. The Committee may accept contributions to be used only for a certain programme or project, provided that the Committee shall have decided on the implementation of such programme or project. No political conditions may be attached to contributions made to the Fund.

*Article 16*

1. Without prejudice to any supplementary voluntary contribution, the States Parties to this Convention undertake to pay regularly, every two years, to the World Heritage Fund, contributions the amount of which, in the form of a uniform percentage applicable to all States, shall be determined by the General Assembly of States Parties to the Convention, meeting during the sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization. This decision of the General Assembly requires the majority of the States Parties present and voting, which have not made the declaration referred to in paragraph 2 of this Article. In no case shall the compulsory contribution of States Parties to the Convention exceed 1% of the contribution to the Regular Budget of the United Nations Educational Scientific and Cultural Organization.
2. However, each State referred to in Article 31 or in Article 32 of this Convention may declare, at the time of the deposit of its instruments of ratification, acceptance or accession, that it shall not be bound by the provisions of paragraph 1 of this Article.
3. A State Party to the Convention which has made the declaration referred to in paragraph 2 of this Article may at any time withdraw the said declaration by notifying the Director-General of the United Nations Educational, Scientific and Cultural Organization. However, the withdrawal of the declaration shall not take effect in regard to the compulsory contribution due by the State until the date of the subsequent General Assembly of States Parties to the Convention.

4. In order that the Committee may be able to plan its operations effectively, the contributions of States Parties to this Convention which have made the declaration referred to in paragraph 2 of this Article, shall be paid on a regular basis, at least every two years, and should not be less than the contributions which they should have paid if they had been bound by the provisions of paragraph 1 of this Article.

5. Any State Party to the Convention which is in arrears with the payment of its compulsory or voluntary contributions for the current year and the calendar year immediately preceding it shall not be eligible as a Member of the World Heritage Committee, although this provision shall not apply to the first election.

The terms of office of any such State which is already a member of the Committee shall terminate at the time of the elections provided for in Article 8, paragraph 1 of this Convention.

#### *Article 17*

The States Parties to this Convention shall consider or encourage the establishment of national, public and private foundations or associations whose purpose is to invite donations for the protection of the cultural and natural heritage as defined in Articles 1 and 2 of this Convention.

#### *Article 18*

The States Parties to this Convention shall give their assistance to international fund-raising campaigns organized for the World Heritage Fund under the auspices of the United Nations Educational, Scientific and Cultural Organization. They shall facilitate collections made by the bodies mentioned in paragraph 3 of Article 15 for this purpose.

### **V. CONDITIONS AND ARRANGEMENTS FOR INTERNATIONAL ASSISTANCE**

#### *Article 19*

Any State Party to this Convention may request international assistance for property forming part of the cultural or natural heritage of outstanding universal value situated within its territory. It shall submit with its request such information and documentation provided for in Article 21 as it has in its possession and as will enable the Committee to come to a decision.

#### *Article 20*

Subject to the provisions of paragraph 2 of Article 13, sub-paragraph (c) of Article 22 and Article 23, international assistance provided for by this Convention may be granted only to property forming part of the cultural and natural heritage which the World Heritage Committee has decided or may decide to enter in one of the lists mentioned in paragraphs 2 and 4 of Article 11.

#### *Article 21*

1. The World Heritage Committee shall define the procedure by which requests to it for international assistance shall be considered and shall specify the content of the request which should define the operation contemplated, the work that is necessary, the expected cost thereof, the degree of urgency and the reasons why the resources of the State requesting assistance do not allow it to meet all the expenses. Such requests must be supported by experts' reports whenever possible.

2. Requests based upon disasters or natural calamities should, by reasons of the urgent work which they may involve, be given immediate, priority consideration by the Committee, which should have a reserve fund at its disposal against such contingencies.



3. Before coming to a decision, the Committee shall carry out such studies and consultations as it deems necessary.

*Article 22*

Assistance granted by the World Heritage Committee may take the following forms:

- a) studies concerning the artistic, scientific and technical problems raised by the protection, conservation, presentation and rehabilitation of the cultural and natural heritage, as defined in paragraph 2 and 4 of Article 11 of this Convention;
- b) provision of experts, technicians and skilled labor to ensure that the approved work is correctly carried out;
- c) training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage;
- d) supply of equipment which the State concerned does not possess or is not in a position to acquire;
- e) low-interest or interest-free loans which might be repayable on a longer-term basis;
- f) the granting, in exceptional cases and for special reasons, of non-payable subsidies.

*Article 23*

The World Heritage Committee may also provide international assistance to national or regional centers for the training of staff and specialists at all levels in the field of identification, protection, conservation, presentation and rehabilitation of the cultural and natural heritage.

*Article 24*

International assistance on a large scale shall be preceded by detailed scientific, economic and technical studies. These studies shall draw upon the most advanced techniques for the protection conservation, presentation and rehabilitation of the natural and cultural heritage and shall be consistent with the objectives of this Convention. The studies shall also seek means of making rational use of the resources available in the State concerned.

*Article 25*

As a general rule, only part of the cost of work necessary shall be borne by the international community. The contribution of the State benefiting from international assistance shall constitute a substantial share of the resources devoted to each programme or project, unless its resources do not permit this.

*Article 26*

The World Heritage Committee and the recipient State shall define in the agreement they conclude the conditions in which a programme or project for which international assistance under the terms of this Convention is provided shall be carried out. It shall be the responsibility of the State receiving such international assistance to continue to protect, conserve and present the property so safeguarded, in observance of the conditions laid down by the agreement.



## **VI. EDUCATIONAL PROGRAMMES**

### *Article 27*

1. The States Parties to this Convention shall endeavor by all appropriate means, and in particular by educational and information programmes to strengthen appreciation and respect by their peoples of the cultural and natural heritage defined in Articles 1 and 2 of the Convention.
2. They shall undertake to keep the public broadly informed of the dangers threatening this heritage and of activities carried on in pursuance of this Convention.

### *Article 28*

States Parties to this Convention which receive international assistance under the Convention shall take appropriate measures to make known the importance of the property for which assistance has been received and the role played by such assistance.

## **VII. REPORTS**

### *Article 29*

1. The States Parties to this Convention shall, in the reports which they submit to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, together with details of the experience acquired in this field.
2. These reports shall be brought to the attention of the World Heritage Committee.
3. The Committee shall submit a report on its activities at each of the ordinary sessions of the General Conference of the United Nations Educational, Scientific and Cultural Organization.

## **VIII. FINAL CLAUSES**

### *Article 30*

This Convention is drawn up in Arabic, English, French, Russian and Spanish, the five texts being equally authoritative.

### *Article 31*

1. This Convention shall be subject to ratification or acceptance by States members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.
2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

### *Article 32*

1. This Convention shall be open to accession by all States not members of the United Nations Educational, Scientific and Cultural Organization which are invited by the General Conference of the Organization, to accede to it.

2. Accession shall be effected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

*Article 33*

This Convention shall enter into force three months after the date of the deposit of the twentieth instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments of ratification, acceptance or accession on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

*Article 34*

The following provisions shall apply to those States Parties to this Convention which have a federal or non-unitary constitutional system.

- a) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of the federal or central legislative power, the obligations of the federal or central government shall be the same as for those States Parties which are not federal States;
- b) with regard to the provisions of this Convention, the implementation of which comes under the legal jurisdiction of individual constituent States, countries, provinces or cantons that are not obliged by the constitutional system of the federation to take legislative measures, the federal government shall inform the competent authorities of such States, countries, provinces or cantons of the said provisions, with its recommendation for their adoption.

*Article 35*

1. Each State Party to this Convention may denounce the Convention.
2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.
3. The denunciation shall take effect twelve months after the receipt of the instrument of denunciation. It shall not affect the financial obligations of the denouncing State until the date on which the withdrawal takes effect.

*Article 36*

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States members of the Organization, the States not members of the Organization which are referred to in Article 32, as well as the United Nations, of the deposit of all the instruments of ratification acceptance, or accession provided for in Articles 31 and 32, and of the denunciations provided for in Article 35.

*Article 37*

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.
2. If, the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession, as from the date on which the new revising convention enters into force.

*Article 38*

In conformity with Article 102 of the Charter of the United Nations, this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done at Paris, this twenty-third day of November 1972, in two authentic copies bearing the signature of the President of the seventeenth session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 31 and 32 as well as to the United Nations.

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**CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED  
SPECIES OF WILD FAUNA AND FLORA (1973)**

**As amended 1979, and provisionally at Gaborone 30 Apr 1983  
With Appendices (I and II, 16 Apr 93; III, 11 Jun 92)**

**ENTRY INTO FORCE: 1 July 1975**

**PREAMBLE**

The Contracting States,

*Recognizing* that wild fauna and flora in their many beautiful and varied forms are an irreplaceable part of the natural systems of the earth which must be protected for this and the generations to come;

*Conscious* of the ever-growing value of wild fauna and flora from aesthetic, scientific, cultural, recreational and economic points of view;

*Recognizing* that peoples and States are and should be the best protectors of their own wild fauna and flora;

*Recognizing*, in addition, that international cooperation is essential for the protection of certain species of wild fauna and flora against over exploitation through international trade;

*Convinced* of the urgency of taking appropriate measures to this end;

Have Agreed as follows:

*Article I*      **DEFINITIONS**

For the purpose of the present Convention, unless the context otherwise requires:

- a) "Species" means any species, sub-species, or geographically separate population thereof;
- b) "Specimen" means:
  - (i) an animal or plant, whether alive or dead;
  - (ii) in the case of an animal: for species included in Appendices I and II, any readily recognizable part or derivative thereof; and for species included in Appendix III, any readily recognizable part or derivative thereof specified in Appendix III in relation to the species; and
  - (iii) in the case of a plant: for species included in Appendix I, any readily recognizable part or derivative thereof; and for species included in Appendices II and III, any readily recognizable part or derivative thereof specified in Appendices II and III in relation to the species;
- c) "Trade" means export, re-export, import and introduction from the sea;
- d) "Re-export" means export of any specimen that has previously been imported;
- e) "Introduction from the sea" means transportation into a State of specimens of any species which were taken in the marine environment not under the jurisdiction of any State;
- f) "Scientific Authority" means a national scientific authority designated in accordance with Article IX;
- g) "Management Authority" means a national management authority designated in accordance with Article IX;

- h) "Party" means a State for which the present Convention has entered into force.

*Article II* FUNDAMENTAL PRINCIPLES

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.
2. Appendix II shall include:
  - a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and
  - b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in subparagraph (a) of this paragraph may be brought under effective control.
3. Appendix III shall include all species which any Party identifies as being subject to regulation within its jurisdiction for the purposes of preventing or restricting exploitation, and as needing the cooperation of other parties in the control of trade.
4. The Parties shall not allow trade in specimens of species included in Appendices I, II and III except in accordance with the provisions of the present Convention.

*Article III* REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX I

1. All trade in specimens of species included in Appendix I shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix I shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
  - a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
  - b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora;
  - c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
  - d) a Management Authority of the State of export is satisfied that an import permit has been granted for the specimen.
3. The import of any specimen of a species included in Appendix I shall require the prior grant and presentation of an import permit and either an export permit or a re-export certificate. An import permit shall only be granted when the following conditions have been met:
  - a) a Scientific Authority of the State of import has advised that the import will be for purposes which are not detrimental to the survival of the species involved;
  - b) a Scientific Authority of the State of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and



- c) a Management Authority of the State of import is satisfied that the specimen is not to be used for primarily commercial purposes.
4. The re-export of any specimen of a species included in Appendix I shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:
    - a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention;
    - b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment; and
    - c) a Management Authority of the State of re-export is satisfied that an import permit has been granted for any living specimen.
  5. The introduction from the sea of any specimen of a species included in Appendix I shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:
    - a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved;
    - b) a Management Authority of the State of introduction is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it; and
    - c) a Management Authority of the State of introduction is satisfied that the specimen is not to be used for primarily commercial purposes.

*Article IV*      REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX II

1. All trade in specimens of species included in Appendix II shall be in accordance with the provisions of this Article.
2. The export of any specimen of a species included in Appendix II shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:
  - a) a Scientific Authority of the State of export has advised that such export will not be detrimental to the survival of that species;
  - b) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
  - c) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.
3. A Scientific Authority in each Party shall monitor both the export permits granted by that State for specimens of species included in Appendix II and the actual exports of such specimens. Whenever a Scientific Authority determines that the export of specimens of any such species should be limited in order to maintain that species throughout its range at a level consistent with its role in the ecosystems in which it occurs and well above the level at which that species might become eligible for inclusion in Appendix I, the Scientific Authority shall advise the appropriate Management Authority of suitable measures to be taken to limit the grant of export permits for specimens of that species.
4. The import of any specimen of a species included in Appendix II shall require the prior presentation of either an export permit or a re-export certificate.



5. The re-export of any specimen of a species included in Appendix II shall require the prior grant and presentation of a re-export certificate. A re-export certificate shall only be granted when the following conditions have been met:

- a) a Management Authority of the State of re-export is satisfied that the specimen was imported into that State in accordance with the provisions of the present Convention; and
- b) a Management Authority of the State of re-export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

6. The introduction from the sea of any specimen of a species included in Appendix II shall require the prior grant of a certificate from a Management Authority of the State of introduction. A certificate shall only be granted when the following conditions have been met:

- a) a Scientific Authority of the State of introduction advises that the introduction will not be detrimental to the survival of the species involved; and
- b) a Management Authority of the State of introduction is satisfied that any living specimen will be so handled as to minimize the risk of injury, damage to health or cruel treatment.

7. Certificates referred to in paragraph 6 of this Article may be granted on the advice of a Scientific Authority, in consultation with other national scientific authorities or, when appropriate, international scientific authorities, in respect of periods not exceeding one year for total numbers of specimens to be introduced in such periods.

#### *Article V* REGULATION OF TRADE IN SPECIMENS OF SPECIES INCLUDED IN APPENDIX III

1. All trade in specimens of species included in Appendix III shall be in accordance with the provisions of this Article.

2. The export of any specimen of a species included in Appendix III from any State which has included that species in Appendix III shall require the prior grant and presentation of an export permit. An export permit shall only be granted when the following conditions have been met:

- a) a Management Authority of the State of export is satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora; and
- b) a Management Authority of the State of export is satisfied that any living specimen will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment.

3. The import of any specimen of a species included in Appendix III shall require, except in circumstances to which paragraph 4 of this Article applies, the prior presentation of a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

4. In the case of re-export, a certificate granted by the Management Authority of the State of re-export that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

#### *Article VI* PERMITS AND CERTIFICATES

1. Permits and certificates granted under the provisions of Articles III, IV and V shall be in accordance with the provisions of this Article.

2. An export permit shall contain the information specified in the model set forth in Appendix IV, and may only be used for export within a period of six months from the date on which it was granted.

3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.
4. Any copies of a permit or certificates issued by a Management Authority shall be clearly marked as copies only and no such copy may be used in place of the original, except to the extent endorsed thereon.
5. A separate permit or certificate shall be required for each consignment of specimens.
6. A Management Authority of the State of import of any specimen shall cancel and retain the export permit or re-export certificate and any corresponding import permit presented in respect of the import of that specimen.
7. Where appropriate and feasible a Management Authority may affix a mark upon any specimen to assist in identifying the specimen. For these purposes "mark" means any indelible imprint, lead seal or other suitable means of identifying a specimen, designed in such a way as to render its imitation by unauthorized persons as difficult as possible.

*Article VII* EXEMPTIONS AND OTHER SPECIAL PROVISIONS RELATING TO TRADE

1. The provisions of Articles III, IV and V shall not apply to the transit or trans-shipment of specimens through or in the territory of a Party while the specimens remain in Customs control.
2. Where a Management Authority of the State of export or re-export is satisfied that a specimen was acquired before the provisions of the present Convention applied to that specimen, the provisions of Articles III, IV and V shall not apply to that specimen where the Management Authority issues a certificate to that effect.
3. The provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects. This exemption shall not apply where:
  - a) in the case of specimens of a species included in Appendix I, they were acquired by the owner outside his State of usual residence, and are being imported into that State; or
  - b) in the case of specimens of species included in Appendix II:
    - (i) they were acquired by the owner outside his State of usual residence and in a State where removal from the wild occurred;
    - (ii) they are being imported into the owner's State of usual residence; and
    - (iii) the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens;

unless a Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens.

4. Specimens of an animal species included in Appendix I bred in captivity for commercial purposes, or of a plant species included in Appendix I artificially propagated for commercial purposes, shall be deemed to be specimens of species included in Appendix II.
5. Where a Management Authority of the State of export is satisfied that any specimen of an animal species was bred in captivity or any specimen of a plant species was artificially propagated, or is a part of such an animal or plant or was derived therefrom, a certificate by that Management Authority to that effect shall be accepted in lieu of any of the permits or certificates required under the provisions of Articles III, IV or V.
6. The provisions of Articles III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their State, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a label issued or approved by a Management Authority.



7. A Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates of specimens which form part of a traveling zoo, circus, menagerie, plant exhibition or other traveling exhibition provided that:

- a) the exporter or importer registers full details of such specimens with that Management Authority;
- b) the specimens are in either of the categories specified in paragraphs 2 and 5 of this Article; and
- c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment.

*Article VIII* MEASURES TO BE TAKEN BY THE PARTIES

1. The Parties shall take appropriate measures to enforce the provisions of the present Convention and to prohibit trade in specimens in violation thereof. These shall include measures:

- a) to penalize trade in, or possession of, such specimens, or both; and
- b) to provide for the confiscation or return to the State of export of such specimens.

2. In addition to the measures taken under paragraph 1 of this Article a Party may, when it deems it necessary, provide for any method of internal reimbursement for expenses incurred as a result of the confiscation of a specimen traded in violation of the measures taken in the application of the provisions of the present Convention.

3. As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay. To facilitate such passage, a Party may designate ports of exit and ports of entry at which specimens must be presented for clearance. The Parties shall ensure further that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimize the risk of injury, damage to health or cruel treatment.

4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:

- a) the specimen shall be entrusted to a Management Authority of the State of confiscation;
- b) the Management Authority shall, after consultation with the State of export, return the specimen to that State at the expense of that State, or to a rescue center or such other place as the Management Authority deems appropriate and consistent with the purposes of the present Convention; and
- c) the Management Authority may obtain the advice of a Scientific Authority, or may, wherever it considers it desirable, consult the Secretariat in order to facilitate the decision under sub-paragraph (b) of this paragraph, including the choice of a rescue center or other place.

5. A rescue center as referred to in paragraph 4 of this Article means an institution designated by a Management Authority to look after the welfare of living specimens, particularly those that have been confiscated.

6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:

- a) the names and addresses of exporters and importers; and
- b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:



- a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and
  - b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.
8. The information referred to in paragraph 7 of this Article shall be available to the public where this is not inconsistent with the law of the Party concerned.

*Article IX*      MANAGEMENT AND SCIENTIFIC AUTHORITIES

1. Each Party shall designate for the purposes of the present Convention:
  - a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and
  - b) one or more Scientific Authorities.
2. A State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat.
3. Any changes in the designations or authorizations under the provisions of this Article shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties.
4. Any Management Authority referred to in paragraph 2 of this Article shall if so requested by the Secretariat or the Management Authority of another Party, communicate to it impression of stamps, seals or other devices used to authenticate permits or certificates.

*Article X*      TRADE WITH STATES NOT PARTY TO THE CONVENTION

Where export or re-export is to, or import is from, a State not a Party to the present Convention, comparable documentation issued by the competent authorities in that State which substantially conforms with the requirements of the present Convention for permits and certificates may be accepted in lieu thereof by any Party.

*Article XI*      CONFERENCE OF THE PARTIES

1. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of the present Convention.
2. Thereafter the Secretariat shall convene regular meetings at least once every two years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of a least one-third of the Parties.
3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:
  - a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;
  - b) consider and adopt amendments to Appendices I and II in accordance with Article XV;
  - c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;

- d) receive and consider any reports presented by the Secretariat or by any Party; and
  - e) where appropriate, make recommendations for improving the effectiveness of the present Convention.
4. At each regular meeting, the Parties may determine the time and venue of the next regular meeting to be held in accordance with the provisions of paragraph 2 of this Article.
5. At any meeting, the Parties may determine and adopt rules of procedure for the meeting.
6. The United Nations, its Specialized Agencies and the International Atomic Energy Agency, as well as any State not a Party to the present Convention, may be represented at meetings of the Conference by observers, who shall have the right to participate but not to vote.
7. Any body or agency technically qualified in protection, conservation or management of wild fauna and flora, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference by observers, shall be admitted unless at least one-third of the Parties present object:
- a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and
  - b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.

#### *Article XIII* THE SECRETARIAT

1. Upon entry into force of the present Convention, a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable intergovernmental or non-governmental international or national agencies and bodies technically qualified in protection, conservation and management of wild fauna and flora.
2. The functions of the Secretariat shall be:
- a) to arrange for and service meetings of the Parties;
  - b) to perform the functions entrusted to it under the provisions of Articles XV and XVI of the present Convention;
  - c) to undertake scientific and technical studies in accordance with programmes authorized by the Conference of the Parties as will contribute to the implementation of the present Convention, including studies concerning standards for appropriate preparation and shipment of living specimens and the means of identifying specimens;
  - d) to study the reports of Parties and to request from Parties such further information with respect thereto as it deems necessary to ensure implementation of the present Convention;
  - e) to invite the attention of the Parties to any matter pertaining to the aims of the present Convention;
  - f) to publish periodically and distribute to the Parties current editions of Appendices I, II and III together with any information which will facilitate identification of specimens of species included in those Appendices.
  - g) to prepare annual reports to the Parties on its work and on the implementation of the present Convention and such other reports as meetings of the Parties may request;
  - h) to make recommendations for the implementation of the aims and provisions of the present Convention, including the exchange of information of a scientific or technical nature;



- i) to perform any other function as may be entrusted to it by the Parties.

*Article XIII* INTERNATIONAL MEASURES

1. When the Secretariat in the light of information received is satisfied that any species included in Appendices I or II is being affected adversely by trade in specimens of that species or that the provisions of the present Convention are not being effectively implemented, it shall communicate such information to the authorized Management Authority of the Party or Parties concerned.
2. When any Party receives a communication as indicated in paragraph 1 of this Article, it shall, as soon as possible, inform the Secretariat of any relevant facts in-so-far as its laws permit and, where appropriate, propose remedial action. Where the Party considers that an inquiry is desirable, such inquiry may be carried out by one or more persons expressly authorized by the Party.
3. The information provided by the Party or resulting from any inquiry as specified in paragraph 2 of this Article shall be reviewed by the next Conference of the Parties which may make whatever recommendations it deems appropriate.

*Article XIV* EFFECT ON DOMESTIC LEGISLATION AND INTERNATIONAL CONVENTIONS

1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:
  - a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof; or
  - b) domestic measures restricting or prohibiting trade, taking possession, or transport of species not included in Appendices I, II or III.
2. The provisions of the present Convention shall in no way affect the provisions of any domestic measures or the obligations of Parties deriving from any treaty, convention, or international agreement relating to other aspects of trade, taking, possession, or transport of specimens which is in force or subsequently may enter into force for any Party including any measure pertaining to the Customs, public health, veterinary or plant quarantine fields.
3. The provisions of the present Convention shall in no way affect the provisions of, or the obligations deriving from, any treaty, convention or international agreement concluded or which may be concluded between States creating a union or regional trade agreement establishing or maintaining a common external customs control and removing customs controls between the parties thereto insofar as they relate to trade among the States members of that union or agreement.
4. A State Party to the present Convention, which is also a Party to any other treaty, convention or international agreement which is in force at the time of the coming into force of the present Convention and under the provisions of which protection is afforded to marine species included in Appendix II, shall be relieved of the obligations imposed on it under the provisions of the present Convention with respect to trade in specimens of species included in Appendix II that are taken by ships registered in that State and in accordance with the provisions of such other treaty, convention or international agreement.
5. Notwithstanding the provisions of Articles III, IV and V, any export of a specimen taken in accordance with paragraph 4 of this Article shall only require a certificate from a Management Authority of the State of introduction to the effect that the specimen was taken in accordance with the provisions of the other treaty, convention or international agreement in question.
6. Nothing in the present Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.



*Article XV* AMENDMENTS TO APPENDICES I AND II

1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:

- a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.
- b) Amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
- c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.

2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:

- a) Any Party may propose an amendment to Appendix I and II for consideration between meetings by the postal procedures set forth in this paragraph.
- b) For marine species, the Secretariat shall, upon receiving the text of the proposed amendment, immediately communicate it to the Parties. It shall also consult intergovernmental bodies having a function in relation to those species especially with a view to obtaining scientific data these bodies may be able to provide and to ensuring co-ordination with any conservation measures enforced by such bodies. The Secretariat shall communicate the views expressed and data provided by these bodies and its own findings and recommendations to the Parties as soon as possible.
- c) For species other than marine species, the Secretariat shall, upon receiving the text of the proposed amendments, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.
- d) Any Party may, within 60 days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraphs (b) or (c) of this paragraph, transmit to the Secretariat any comments on the proposed amendment together with any relevant scientific data and information.
- e) The Secretariat shall communicate the replies received together with its own recommendations to the Parties as soon as possible.
- f) If no objection to the proposed amendment is received by the Secretariat within 30 days of the date the replies and recommendations were communicated under the provisions of sub-paragraph (e) of this paragraph, the amendment shall enter into force 90 days later for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
- g) If an objection by any Party is received by the Secretariat the proposed amendment shall be submitted to a postal vote in accordance with the provisions of sub-paragraphs (h), (i) and (j) of this paragraph.
- h) The Secretariat shall notify the Parties that notification of objection has been received.
- i) Unless the Secretariat receives the votes for, against or in abstention from at least one-half of the Parties within 60 days of the date of notification under sub-paragraph (h) of this paragraph, the proposed amendment shall be referred to the next meeting of the Conference for further consideration.
- j) Provided that votes are received from one-half of the Parties, the amendment shall be adopted by a two-thirds majority of Parties casting an affirmative or negative vote.



- k) The Secretariat shall notify all Parties of the result of the vote.
  - l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.
3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned.

*Article XVI* APPENDIX III AND AMENDMENTS THERETO

1. Any Party may at any time submit to the Secretariat a list of species which it identifies as being subject to regulation within its Jurisdiction for the purpose mentioned in paragraph 3 of Article II. Appendix III shall include the names of the Parties submitting the species for inclusion therein, the scientific names of the species so submitted, and any parts or derivatives of the animals or plants concerned that are specified in relation to the species for the purposes of sub-paragraph (b) of Article I.
2. Each list submitted under the provisions of paragraph 1 of this Article shall be communicated to the Parties by the Secretariat as soon as possible after receiving it. The list shall take effect as part of Appendix III 90 days after the date of such communication. At any time after the communication of such list, any Party may by notification in writing to the Depositary Government enter a reservation with respect to any species or any parts or derivatives, and until such reservation is withdrawn, the State shall be treated as a State not a Party to the present Convention with respect to trade in the species or part or derivative concerned.
3. A Party which has submitted a species for inclusion in Appendix III may withdraw it at any time by notification to the Secretariat which shall communicate the withdrawal to all Parties. The withdrawal shall take effect 30 days after the date of such communication.
4. Any Party submitting a list under the provisions of paragraph 1 of this Article shall submit to the Secretariat a copy of all domestic laws and regulations applicable to the protection of such species, together with any interpretations which the Party may deem appropriate or the Secretariat may request. The Party shall, for as long as the species in question is included in Appendix III, submit any amendments of such laws and regulations or any new interpretations as they are adopted.

*Article XVII* AMENDMENT OF THE CONVENTION

1. An extraordinary meeting of the Conference of the Parties shall be convened by the Secretariat on the written request of at least one-third of the Parties to consider and adopt amendments to the present Convention. Such amendments shall be adopted by a two-thirds majority of Parties present and voting. For these purposes "Parties present and voting" means Parties present and casting an affirmative or negative vote. Parties abstaining from voting shall not be counted among the two-thirds required for adopting an amendment.
2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.
3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment.

*Article XVIII* RESOLUTION OF DISPUTES

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of

the provisions of the present Convention shall be subject to negotiation between the Parties involved in the dispute.

2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

*Article XIX* SIGNATURE

The present Convention shall be open for signature at Washington until 30 April 1973 and thereafter at Berne until 31 December 1974.

*Article XX* RATIFICATION, ACCEPTANCE, APPROVAL

The present Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Swiss Confederation which shall be the Depositary Government.

*Article XXI* ACCESSION

The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government.

[1. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention.

2. In their instruments of accession, such organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary Government of any substantial modification in the extent of their competence. Notifications by regional economic integration organizations concerning their competence with respect to matters governed by this Convention and modifications thereto shall be distributed to the Parties by the Depositary Government.

3. In matters within their competence, such regional integration organizations shall exercise the rights and fulfill the obligations which this Convention attributes to their Member States, which are Parties to the Convention. In such cases the Member States of the organizations shall not be entitled to exercise such rights individually.

4. In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.

5. Any reference to "Party" in the sense used in Article 1(h) of this Convention to "State"/"States" or to "State Party"/"States Parties" to the Convention shall be construed as including a reference to any regional economic integration organization having competence in respect of the negotiation, conclusion and application of international agreements in matters covered by this Convention.]<sup>107</sup>

*Article XXII* ENTRY INTO FORCE

1. The present Convention shall enter into force 90 days after the date of deposit of the tenth instrument of ratification, acceptance, approval or accession, with the Depositary Government.

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<sup>107</sup> The paragraphs in square brackets are an amendment to the Convention which was adopted at an extraordinary meeting of the Conference of the Parties in Gaborone (Botswana) on 30 April 1983. The amendment is not yet in force. It will enter into force when it has been formally accepted by 54 of the 80 States which were Parties to the Convention on that date. By August 1993 it had been accepted by 31 of those States.



2. For each State which ratifies, accepts or approves the present Convention or accedes thereto after the deposit of the tenth instrument of ratification, acceptance, approval or accession, the present Convention shall enter into force 90 days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

*Article XXIII* RESERVATIONS

1. The provisions of the present Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Articles XV and XVI.

2. Any State may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to:

- a) any species included in Appendix I, II, III; or
- b) any parts or derivatives specified in relation to a species included in Appendix III.

3. Until a Party withdraws its reservation entered under the provisions of this Article, it shall be treated as a State not a Party to the present Convention with respect to trade in the particular species or parts or derivatives specified in such reservation.

*Article XXIV* DENUNCIATION

Any Party may denounce the present Convention by written notification to the Depositary Government at any time. The denunciation shall take effect twelve months after the Depositary Government has received the notification.

*Article XXV* DEPOSITARY

1. The original of the present Convention, in the Chinese, English, French, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary Government, which shall transmit certified copies thereof to all States that have signed it or deposited instruments of accession to it.

2. The Depositary Government shall inform all signatory and acceding States and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of the present Convention, amendments thereto, entry and withdrawal of reservations and notifications of denunciation.

3. As soon as the present Convention enters into force, a certified copy thereof shall be transmitted by the Depositary Government to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the undersigned Plenipotentiaries, being duly authorized to that effect, have signed the present Convention.

DONE at Washington this third day of March, One Thousand Nine Hundred and Seventy-three.

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

APPENDICES I AND II

As adopted by the Conference of the Parties, valid from 16 February 1995

INTERPRETATION

1. Species included in these appendices are referred to:
  - a) by the name of the species; or
  - b) as being all of the species included in a higher taxon or designated part thereof.
2. The abbreviation "spp." is used to denote all species of a higher taxon.
3. Other references to taxa higher than species are for the purposes of information or classification only.
4. The abbreviation "p.e." is used to denote species that are possibly extinct.
5. An asterisk (\*) placed against the name of a species or higher taxon indicates that one or more geographically separate populations, subspecies or species of that species or taxon are included in Appendix I and are excluded from Appendix II.
6. Two asterisks (\*\*) placed against the name of a species or higher taxon indicate that one or more geographically separate populations, subspecies or species of that species or taxon are included in Appendix II and are excluded from Appendix I.
7. The symbol (-) followed by a number placed against the name of a species or higher taxon denotes that designated geographically separate populations, species, groups of species or families of that species or taxon are excluded from the appendix concerned, as follows:

- 101 Population of West Greenland
- 102 Populations of Bhutan, India, Nepal and Pakistan
- 103 Population of Australia
- 104 Population of the United States of America
- 105 – Chile: part of the population of Parinacota Province, Ia. Region of Tarapacá  
– Peru: the whole population
- 106 Populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan
- 107 Cathartidae
- 108 *Melopsittacus undulatus*, *Nymphicus hollandicus* and *Psittacula krameri*
- 109 Population of Ecuador, subject to zero export quotas in 1995 and 1996 and then annual export quotas as approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group
- 110 Populations of Botswana, Ethiopia, Kenya, Malawi, Mozambique, South Africa, the United Republic of Tanzania, Zambia and Zimbabwe, and populations of the following countries subject to the specified annual export quotas:

	1995	1996	1997
Madagascar	4,700	5,200	5,200
(ranchd specimens:	4,500	5,000	5,000
wild nuisance specimens:	200	200	200
Uganda	2,500	2,500	2,500



Apart from ranched specimens, the United Republic of Tanzania will authorize the export of no more than 1100 wild specimens (including 100 hunting trophies) in 1995 and 1996, and a number to be approved by the CITES Secretariat and the IUCN/SSC Crocodile Specialist Group in 1997

- 111 Populations of Australia, Indonesia and Papua New Guinea
- 112 Population of Chile
- 113 All species that are not succulent
- 114 *Aloe vera*; also referenced as *Aloe barbadensis*

8. The symbol (+) followed by a number placed against the name of a species or higher taxon denotes that only designated geographically separate populations, subspecies or species of that species or taxon are included in the appendix concerned, as follows:

- +201 Populations of Bhutan, India, Nepal and Pakistan
- +202 Populations of Bhutan, China, Mexico and Mongolia
- +203 Populations of Cameroon and Nigeria
- +204 Population of Asia
- +205 Populations of Central and North America
- +206 Populations of Bangladesh, India and Thailand
- +207 Population of India
- +208 Population of Australia
- +209 Population of South Africa
- +210 – Chile: part of the population of Parinacota Province, Ia. Region of Tarapacá  
– Peru: the whole population
- +211 Populations of Afghanistan, Bhutan, India, Myanmar, Nepal and Pakistan
- +212 Population of Mexico
- +213 Populations of Algeria, Burkina Faso, Cameroon, the Central African Republic, Chad, Mali, Mauritania, Morocco, the Niger, Nigeria, Senegal and the Sudan
- +214 Population of Seychelles
- +215 Population of Europe, except the area which formerly constituted the Union of Soviet Socialist Republics
- +216 All species of New Zealand
- +217 Population of Chile

9. The symbol (=) followed by a number placed against the name of a species or higher taxon denotes that the name of that species or taxon shall be interpreted as follows:

- =301 Also referenced as *Phalanger maculatus*
- =302 Includes family Tupaiidae
- =303 Formerly included in family Lemnidae
- =304 Formerly included as subspecies of *Callithrix jacchus*
- =305 Includes generic synonym *Leontideus*
- =306 Formerly included in species *Saguinus oedipus*
- =307 Formerly included as *Alouatta palliata (villosa)*
- =308 Includes synonym *Cercopithecus rolaway*
- =309 Formerly included in genus *Papio*
- =310 Includes generic synonym *Simias*
- =311 Includes synonym *Colobus badius kirkii*
- =312 Includes synonym *Colobus badius rufomitratu*
- =313 Includes generic synonym *Rhinopithecus*
- =314 Also referenced as *Presbytis entellus*
- =315 Also referenced as *Presbytis geei* and *Semnopithecus geei*
- =316 Also referenced as *Presbytis pileata* and *Semnopithecus pileatus*
- =317 Includes synonyms *Bradypus boliviensis* and *Bradypus griseus*
- =318 Includes synonym *Priodontes giganteus*
- =319 Includes synonym *Physeter macrocephalus*



- =320 Includes synonym *Eschrichtius glaucus*
- =321 Formerly included in genus *Balaena*
- =322 Formerly included in genus *Dusicyon*
- =323 Includes synonym *Dusicyon fulvipes*
- =324 Includes generic synonym *Fennecus*
- =325 Also referenced as *Selenarctos thibetanus*
- =326 Also referenced as *Aonyx microdon* or *Paraonyx microdon*
- =327 Formerly included in genus *Lutra*
- =328 Formerly included in genus *Lutra*; includes synonyms *Lutra annectens*, *Lutra enudris*, *Lutra incarum* and *Lutra platensis*
- =329 Includes synonym *Eupleres major*
- =330 Also referenced as *Hyaena brunnea*
- =331 Also referenced as *Felis caracal* and *Lynx caracal*
- =332 Formerly included in genus *Felis*
- =333 Also referenced as *Felis pardina* or *Felis lynx pardina*
- =334 Formerly included in genus *Panthera*
- =335 Also referenced as *Equus asinus*
- =336 Formerly included in species *Equus hemionus*
- =337 Also referenced as *Equus caballus przewalskii*
- =338 Also referenced as *Choeropsis liberiensis*
- =339 Also referenced as *Cervus porcinus annamiticus*
- =340 Also referenced as *Cervus porcinus calamianensis*
- =341 Also referenced as *Cervus porcinus kuhlii*
- =342 Also referenced as *Cervus dama mesopotamicus*
- =343 Includes synonym *Bos frontalis*
- =344 Includes synonym *Bos grunniens*
- =345 Includes generic synonym *Novibos*
- =346 Includes generic synonym *Anoa*
- =347 Also referenced as *Damaliscus dorcas dorcas*
- =348 Formerly included in species *Naemohedus goral*
- =349 Also referenced as *Capricornis sumatraensis*
- =350 Includes synonym *Oryx tao*
- =351 Includes synonym *Ovis aries ophion*
- =352 Also referenced as *Rupicapra rupicapra ornata*
- =353 Also referenced as *Pterocnemia pennata*
- =354 Also referenced as *Sula abbotti*
- =355 Also referenced as *Ciconia ciconia boyciana*
- =356 Includes synonyms *Anas chlorotis* and *Anas nesiotis*
- =357 Also referenced as *Anas platyrhynchos laysanensis*
- =358 Probably a hybrid between *Anas platyrhynchos* and *Anas superciliosa*
- =359 Also referenced as *Aquila heliaca adalberti*
- =360 Also referenced as *Chondrohierax wilsonii*
- =361 Also referenced as *Falco peregrinus babylonicus* and *Falco peregrinus pelegrinoides*
- =362 Also referenced as *Crax mitu mitu*
- =363 Formerly included in genus *Aburria*
- =364 Formerly included in species *Crossoptilon crossoptilon*
- =365 Formerly included in species *Polyplectron malacense*
- =366 Includes synonym *Rheinardia nigrescens*
- =367 Also referenced as *Tricholimnas sylvestris*
- =368 Also referenced as *Choriotis nigriceps*
- =369 Also referenced as *Houbaropsis bengalensis*
- =370 Also referenced as *Amazona dufresniana rhodocorytha*
- =371 Often traded under the incorrect designation *Ara caninde*
- =372 Also referenced as *Cyanoramphus novaezelandiae cookii*
- =373 Also referenced as *Opopsitta diophthalma coxeni*

- =374 Also referenced as *Pezoporus occidentalis*
- =375 Formerly included in species *Psephotus chrysoterygius*
- =376 Also referenced as *Psittacula krameri echo*
- =377 Formerly included in genus *Gallirex*; also referenced as *Tauraco porphyreolophus*
- =378 Also referenced as *Otus gurneyi*
- =379 Also referenced as *Ninox novaeseelandiae royana*
- =380 Formerly included in genus *Glaucis*
- =381 Includes generic synonym *Ptilolaemus*
- =382 Formerly included in genus *Rhinoplax*
- =383 Also referenced as *Pitta brachyura nympa*
- =384 Also referenced as *Muscicapa ruecki* or *Niltava ruecki*
- =385 Also referenced as *Dasyornis brachypterus longirostris*
- =386 Also referenced as *Meliphaga cassidix*
- =387 Formerly included in genus *Spinus*
- =388 Formerly included as *Kachuga tecta tecta*
- =389 Includes generic synonyms *Nicoria* and *Geoemyda* (part)
- =390 Also referenced as *Geochelone elephantopus*; also referenced in genus *Testudo*
- =391 Also referenced in genus *Testudo*
- =392 Also referenced in genus *Aspideretes*
- =393 Formerly included in *Podocnemis* spp.
- =394 Includes Alligatoridae, Crocodylidae and Gavialidae
- =395 Also referenced as *Crocodylus mindorensis*
- =396 Formerly included in *Chamaeleo* spp.
- =397 Also referenced as *Constrictor constrictor occidentalis*
- =398 Includes synonym *Python molurus pimbura*
- =399 Includes synonym *Pseudoboa cloelia*
- =400 Also referenced as *Hydrodynastes gigas*
- =401 Includes generic synonym *Megalobatrachus*
- =402 *Sensu* D'Abbrera
- =403 Also referenced as *Conchodromus dromas*
- =404 Also referenced in genera *Dysnomia* and *Plagiola*
- =405 Includes generic synonym *Proptera*
- =406 Also referenced in genus *Carunculina*
- =407 Also referenced as *Megaloniaias nickliniana*
- =408 Also referenced as *Cyrtonaias tampicoensis tecomatensis* and *Lampsilis tampicoensis tecomatensis*
- =409 Includes generic synonym *Micromya*
- =410 Includes generic synonym *Papuina*
- =411 Includes only the family Helioporidae with one species *Heliopora coerulea*
- =412 Also referenced as *Podophyllum emodi* and *Sinopodophyllum hexandrum*
- =413 Also referenced in genus *Echinocactus*
- =414 Also referenced as *Lobeira macdougallii* or *Nopalxochia macdougallii*
- =415 Also referenced as *Echinocereus lindsayi*
- =416 Also referenced as *Wilcoxia schmollii*
- =417 Also referenced in genus *Coryphantha*
- =418 Also referenced as *Solisia pectinata*
- =419 Also referenced as *Backebergia militaris*
- =420 Also referenced in genus *Toumeya*
- =421 Includes synonym *Ancistrocactus tobuschii*
- =422 Also referenced in genus *Neolloydia* or in genus *Echinomastus*
- =423 Also referenced in genus *Toumeya* or in genus *Pediocactus*
- =424 Also referenced in genus *Neolloydia*
- =425 Also referenced as *Saussurea lappa*
- =426 Includes *Euphorbia cylindrifolia* ssp. *tuberifera*
- =427 Also referenced as *Euphorbia capsaintemariensis* var. *tulearensis*
- =428 Also referenced as *Engelhardia pterocarpa*



- =429 Includes *Aloe compressa* var. *rugosquamosa* and *Aloe compressa* var. *schistophila*
- =430 Includes *Aloe haworthioides* var. *aurantiaca*
- =431 Includes *Aloe laeta* var. *maniaensis*
- =432 Includes families Apostasiaceae and Cyprapediaceae as subfamilies Apostasioideae and Cyprapedioideae
- =433 Also referenced as *Sarracenia rubra alabamensis*
- =434 Also referenced as *Sarracenia rubra jonesii*
- =435 Includes synonym *Stangeria paradoxa*
- =436 Also referenced as *Taxus baccata* ssp. *wallichiana*
- =437 Includes synonym *Welwitschia bainesii*

10. The symbol ( ) followed by a number placed against the name of a species or higher taxon shall be interpreted as follows:

501 Specimens of the domesticated form are not subject to the provisions of the Convention

502 Annual export quotas for live specimens and hunting trophies are granted as follows:

Botswana:	5
Namibia:	150
Zimbabwe:	50

The trade in such specimens is subject to the provisions of Article III of the Convention

503 For the exclusive purpose of allowing international trade in live animals to appropriate and acceptable destinations and hunting trophies

504 For the exclusive purpose of allowing international trade in wool sheared from live vicuñas of the populations included in Appendix II (see +210) and in the extant stock in Peru of 3249 kg of wool, and in cloth and items made thereof. The reverse side of the cloth must bear the logotype adopted by the range States of the species, which are signatories to the Convenio para la Conservación y Manejo de la Vicuña, and the selvages either the words VICUÑANDES-CHILE or the words VICUÑANDES-PERU, depending on the country of origin

505 Fossils are not subject to the provisions of the Convention

506 No exports of adult plants are permitted until the tenth meeting of the Conference of the Parties

507 Seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers are not subject to the provisions of the Convention

11. In accordance with Article I, paragraph b, sub-paragraph (iii), of the Convention, the symbol (#) followed by a number placed against the name of a species or higher taxon included in Appendix II designates parts or derivatives which are specified in relation thereto for the purposes of the Convention as follows:

- #1 Designates all parts and derivatives, except:
  - a) seeds, spores and pollen (including pollinia); and
  - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers
- #2 Designates all parts and derivatives, except:
  - a) seeds and pollen;
  - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and
  - c) chemical derivatives

- #3 Designates roots and readily recognizable parts thereof
- #4 Designates all parts and derivatives, except:
- a) seeds and pollen;
  - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
  - c) fruits and parts and derivatives thereof of naturalized or artificially propagated plants; and
  - d) separate stem joints (pads) and parts and derivatives thereof of naturalized or artificially propagated plants of the genus *Opuntia* subgenus *Opuntia*
- #5 Designates saw-logs, sawn wood and veneers
- #6 Designates logs, wood-chips and unprocessed broken material
- #7 Designates all parts and derivatives, except:
- a) seeds and pollen (including pollinia);
  - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
  - c) cut flowers of artificially propagated plants; and
  - d) fruits and parts and derivatives thereof of artificially propagated plants of the genus *Vanilla*
- #8 Designates all parts and derivatives, except:
- a) seeds and pollen;
  - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers; and
  - c) finished pharmaceutical products

12. As none of the species or higher taxa of FLORA included in Appendix I is annotated to the effect that its hybrids shall be treated in accordance with the provisions of Article III of the Convention, this means that artificially propagated hybrids produced from one or more of these species or taxa may be traded with a certificate of artificial propagation, and that seeds and pollen (including pollinia), cut flowers, seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers of these hybrids are not subject to the provisions of the Convention.

## FAUNA

### CHORDATA

#### MAMMALIA

#### MONOTREMATA

Tachyglossidae *Zaglossus* spp.

#### DASYUROMORPHIA

Dasyuridae *Sminthopsis longicaudata*  
*Sminthopsis psammophila*

Thylacinidae *Thylacinus cynocephalus* p.e.

#### PERAMELEMORPHIA

Peramelidae *Chaeropus ecaudatus* p.e.



*Macrotis lagotis*  
*Macrotis leucura*  
*Perameles bougainville*

DIPROTODONTIA

Phalangeridae

*Phalanger orientalis*  
*Spilocuscus maculatus* =301

Burramyidae

*Burramys parvus*

Vombatidae

*Lasiorhinus krefftii*

Macropodidae

*Dendrolagus bennettianus*  
*Dendrolagus inustus*  
*Dendrolagus lumholtzi*  
*Dendrolagus ursinus*

*Lagorchestes hirsutus*  
*Lagostrophus fasciatus*  
*Onychogalea fraenata*  
*Onychogalea lunata*

Potoroidae

*Bettongia* spp.  
*Caloprymnus campestris* p.e.

CHIROPTERA

Pteropodidae

*Acerodon* spp.

*Acerodon jubatus*  
*Acerodon lucifer* p.e.

*Pteropus* spp. \*

*Pteropus insularis*  
*Pteropus mariannus*  
*Pteropus molossinus*  
*Pteropus phaeocephalus*  
*Pteropus pilosus*  
*Pteropus samoensis*  
*Pteropus tonganus*

PRIMATES

PRIMATES spp. \* =302

Lemuridae

Lemuridae spp.

Megaladapidae

Megaladapidae spp. =303

Cheirogaleidae

Cheirogaleidae spp.

Indridae

Indridae spp.

Daubentoniidae

*Daubentonia madagascariensis*

Callithricidae

*Callimico goeldii*  
*Callithrix aurita* =304  
*Callithrix flaviceps* =304  
*Leontopithecus* spp. =305  
*Saguinus bicolor*

	<i>Saguinus geoffroyi</i> =306	
	<i>Saguinus leucopus</i>	
	<i>Saguinus oedipus</i>	
Cebidae	<i>Alouatta palliata</i>	
	<i>Alouatta pigra</i> =307	
	<i>Ateles geoffroyi frontatus</i>	
	<i>Ateles geoffroyi panamensis</i>	
	<i>Brachyteles arachnoides</i>	
	<i>Cacajao</i> spp.	
	<i>Chiropotes albinasus</i>	
	<i>Lagothrix flavicauda</i>	
	<i>Saimiri oerstedii</i>	
Cercopithecidae	<i>Cercocebus galeritus galeritus</i>	
	<i>Cercopithecus diana</i> =308	
	<i>Macaca silenus</i>	
	<i>Mandrillus leucophaeus</i> =309	
	<i>Mandrillus sphinx</i> =309	
	<i>Nasalis concolor</i> =310	
	<i>Nasalis larvatus</i>	
	<i>Presbytis potenziani</i>	
Cercopithecidae (cont.)	<i>Procolobus pennantii kirkii</i> =311	
	<i>Procolobus rufomitratu</i> =312	
	<i>Pygathrix</i> spp. =313	
	<i>Semnopithecus entellus</i> =314	
	<i>Trachypithecus geei</i> =315	
	<i>Trachypithecus pileatus</i> =316	
Hylobatidae	Hylobatidae spp.	
Hominidae	<i>Gorilla gorilla</i>	
	<i>Pan</i> spp.	
	<i>Pongo pygmaeus</i>	
XENARTHRA		
Myrmecophagidae		<i>Myrmecophaga tridactyla</i>
Bradypodidae		<i>Bradypus variegatus</i> =317
Dasypodidae	<i>Priodontes maximus</i> =318	
PHOLIDOTA		
Manidae		<i>Manis</i> spp.
LAGOMORPHA		
Leporidae	<i>Caprolagus hispidus</i>	
	<i>Romerolagus diazi</i>	
RODENTIA		
Sciuridae	<i>Cynomys mexicanus</i>	



*Ratufa* spp.

Muridae  
*Leporillus conditor*  
*Pseudomys praeconis*  
*Xeromys myoides*  
*Zyromys pedunculatus*

Chinchillidae  
*Chinchilla* spp. 501

CETACEA  
 CETACEA spp. \*

Platanistidae  
*Lipotes vexillifer*  
*Platanista* spp.

Ziphiidae  
*Berardius* spp.  
*Hyperoodon* spp.

Physeteridae  
*Physeter catodon* =319

Delphinidae  
*Sotalia* spp.  
*Sousa* spp.

Phocoenidae  
*Neophocaena phocaenoides*  
*Phocoena sinus*

Eschrichtiidae  
*Eschrichtius robustus* =320

Balaenopteridae  
*Balaenoptera acutorostrata* \*\* -101  
*Balaenoptera borealis*  
*Balaenoptera edeni*  
*Balaenoptera musculus*  
*Balaenoptera physalus*  
*Megaptera novaeangliae*

Balaenidae  
*Balaena mysticetus*  
*Eubalaena* spp. =321

Neobalaenidae  
*Caperea marginata*

CARNIVORA

Canidae  
*Canis lupus* \*\* +201

*Canis lupus* \* -102  
*Cerdocyon thous* =322  
*Chrysocyon brachyurus*  
*Cuon alpinus*  
*Pseudalopex culpaeus* =322  
*Pseudalopex griseus* =323  
*Pseudalopex gymnocercus* =322  
  
*Vulpes cana*  
*Vulpes zerda* =324

*Speothos venaticus*

Ursidae  
  
*Ailuropoda melanoleuca*  
*Ailurus fulgens*

Ursidae spp. \*

	<i>Helarctos malayanus</i>	
	<i>Melursus ursinus</i>	
	<i>Tremarctos ornatus</i>	
	<i>Ursus arctos</i> ** +202	
	<i>Ursus arctos isabellinus</i>	
	<i>Ursus thibetanus</i> =325	
Mustelidae	<i>Aonyx congicus</i> ** +203 =326	<i>Conepatus humboldtii</i>
	<i>Enhydra lutris nereis</i>	
	<i>Lontra felina</i> =327	
	<i>Lontra longicaudis</i> =328	
	<i>Lontra provocax</i> =327	
	<i>Lutra lutra</i>	
Mustelidae (cont.)	<i>Mustela nigripes</i>	Lutrinae spp. *
	<i>Pteronura brasiliensis</i>	
Viverridae		<i>Cryptoprocta ferox</i>
		<i>Cynogale bennettii</i>
		<i>Eupleres goudotii</i> =329
		<i>Fossa fossana</i>
		<i>Hemigalus derbyanus</i>
		<i>Prionodon linsang</i>
	<i>Prionodon pardicolor</i>	
Hyaenidae		<i>Parahyaena brunnea</i> =330
Felidae		Felidae spp. *
	<i>Acinonyx jubatus</i> 502	
	<i>Caracal caracal</i> ** +204 =331	
	<i>Catopuma temmincki</i> =332	
	<i>Felis nigripes</i>	
	<i>Herpailurus yagouaroundi</i> ** +205 =332	
	<i>Leopardus pardalis</i> =332	
	<i>Leopardus tigrinus</i> =332	
	<i>Leopardus wiedii</i> =332	
	<i>Lynx pardinus</i> =333	
	<i>Neofelis nebulosa</i>	
	<i>Oncifelis geoffroyi</i> =332	
	<i>Oreailurus jacobita</i> =332	
	<i>Panthera leo persica</i>	
	<i>Panthera onca</i>	
	<i>Panthera pardus</i>	
	<i>Panthera tigris</i>	
	<i>Pardofelis marmorata</i> =332	
	<i>Prionailurus bengalensis bengalensis</i> ** +206 =332	
	<i>Prionailurus planiceps</i> =332	
	<i>Prionailurus rubiginosus</i> ** +207 332	
	<i>Puma concolor coryi</i> =332	
	<i>Puma concolor costaricensis</i> =332	
	<i>Puma concolor cougar</i> =332	
	<i>Uncia uncia</i> =334	



Otariidae		<i>Arctocephalus</i> spp. *
	<i>Arctocephalus townsendi</i>	
Phocidae		<i>Mirounga leonina</i>
	<i>Monachus</i> spp.	
PROBOSCIDEA		
Elephantidae	<i>Elephas maximus</i> <i>Loxodonta africana</i>	
SIRENIA		
Dugongidae	<i>Dugong dugon</i> ** -103	<i>Dugong dugon</i> * +208
Trichechidae	<i>Trichechus inunguis</i> <i>Trichechus manatus</i>	<i>Trichechus senegalensis</i>
PERISSODACTYLA		
Equidae	<i>Equus africanus</i> =335 <i>Equus grevyi</i>  <i>Equus hemionus hemionus</i>  <i>Equus onager khur</i> =336 <i>Equus przewalskii</i> =337  <i>Equus zebra zebra</i>	<i>Equus hemionus</i> *  <i>Equus kiang</i> =336 <i>Equus onager</i> * =336  <i>Equus zebra hartmannae</i>
Tapiridae	Tapiridae spp. **	<i>Tapirus terrestris</i>
Rhinocerotidae	Rhinocerotidae spp. **	<i>Ceratotherium simum simum</i> * +209 503
ARTIODACTYLA		
Suidae	<i>Babyrousa babyrussa</i> <i>Sus salvanius</i>	
Tayassuidae	<i>Catagonus wagneri</i>	Tayassuidae spp. * -104
Hippopotamidae		<i>Hexaprotodon liberiensis</i> = 338 <i>Hippopotamus amphibius</i>
Camelidae	<i>Vicugna vicugna</i> ** -105	<i>Lama guanicoe</i> <i>Vicugna vicugna</i> * +210 504
Moschidae	<i>Moschus</i> spp. ** +211	<i>Moschus</i> spp. * -106
Cervidae	<i>Axis porcinus annamiticus</i> =339	

	<i>Axis porcinus calamianensis</i> =340	
	<i>Axis porcinus kuhli</i> =341	
	<i>Blastocerus dichotomus</i>	
	<i>Dama mesopotamica</i> =342	
	<i>Cervus duvaucelii</i>	<i>Cervus elaphus bactrianus</i>
Cervidae (cont.)	<i>Cervus elaphus hanglu</i>	
	<i>Cervus eldii</i>	
	<i>Hippocamelus</i> spp.	
	<i>Megamuntiacus vuquanghensis</i>	
	<i>Muntiacus crinifrons</i>	
	<i>Ozotoceros bezoarticus</i>	<i>Pudu mephistophiles</i>
	<i>Pudu pudu</i>	
Antilocapridae	<i>Antilocapra americana</i> +212	
Bovidae	<i>Addax nasomaculatus</i>	<i>Ammotragus lervia</i>
	<i>Bison bison athabascae</i>	
	<i>Bos gaurus</i> =343	
	<i>Bos mutus</i> =344 501	
	<i>Bos sauveli</i> =345	
	<i>Bubalus depressicornis</i> =346	
	<i>Bubalus mindorensis</i> =346	
	<i>Bubalus quarlesi</i> =346	
		<i>Budorcas taxicolor</i>
	<i>Capra falconeri</i>	<i>Cephalophus dorsalis</i>
	<i>Cephalophus jentinki</i>	<i>Cephalophus monticola</i>
		<i>Cephalophus ogilbyi</i>
		<i>Cephalophus silvicultor</i>
		<i>Cephalophus zebra</i>
		<i>Damaliscus pygargus dorcas</i> =347
	<i>Gazella dama</i>	
	<i>Hippotragus niger variani</i>	<i>Kobus leche</i>
	<i>Naemorhedus baileyi</i> =348	
	<i>Naemorhedus caudatus</i> =348	
	<i>Naemorhedus goral</i>	
	<i>Naemorhedus sumatraensis</i> =349	
	<i>Oryx dammah</i> =350	
	<i>Oryx leucoryx</i>	<i>Ovis ammon</i> *
<i>Ovis ammon hodgsonii</i>	<i>Ovis canadensis</i> +212	
<i>Ovis orientalis ophion</i> =351		
<i>Ovis vignei</i>		
<i>Pantholops hodgsoni</i>		
<i>Pseudoryx nghetinhensis</i>		
<i>Rupicapra pyrenaica ornata</i> =352	<i>Saiga tatarica</i>	

AVES

STRUTHIONIFORMES

Struthionidae *Struthio camelus* +213

RHEIFORMES

Rheidae *Rhea americana*  
*Rhea pennata* = 353

TINAMIFORMES

Tinamidae *Tinamus solitarius*

SPHENISCIFORMES

Spheniscidae *Spheniscus demersus*  
*Spheniscus humboldti*

PODICIPEDIFORMES

Podicipedidae *Podilymbus gigas*

PROCELLARIIFORMES

Diomedeidae *Diomedea albatrus*

PELECANIFORMES

Pelecanidae *Pelecanus crispus*

Sulidae *Papasula abbotti* =354

Fregatidae *Fregata andrewsi*

CICONIIFORMES

Balaenicipitidae *Balaeniceps rex*

Ciconiidae *Ciconia boyciana* =355  
*Ciconia nigra*  
*Jabiru mycteria*  
*Mycteria cinerea*

Threskiornithidae *Eudocimus ruber*  
*Geronticus calvus*  
*Geronticus eremita*  
*Nipponia nippon*

Phoenicopteridae *Platalea leucorodia*  
Phoenicopteridae spp.

ANSERIFORMES

Anatidae *Anas aucklandica* =356  
*Anas bernieri*



	<i>Anas laysanensis</i> =357	<i>Anas formosa</i>
	<i>Anas oustaleti</i> =358	
	<i>Branta canadensis leucopareia</i>	
	<i>Branta sandvicensis</i>	<i>Branta ruficollis</i>
	<i>Cairina scutulata</i>	
		<i>Coscoroba coscoroba</i>
		<i>Cygnus melanocorypha</i>
		<i>Dendrocygna arborea</i>
		<i>Oxyura leucocephala</i>
	<i>Rhodonessa caryophyllacea</i> p.e.	<i>Sarkidiornis melanotos</i>
FALCONIFORMES		FALCONIFORMES spp. * -107
Cathartidae	<i>Gymnogyps californianus</i> <i>Vultur gryphus</i>	
Accipitridae	<i>Aquila adalberti</i> =359 <i>Aquila heliaca</i> <i>Chondrohierax uncinatus wilsonii</i> =360 <i>Haliaeetus albicilla</i> <i>Haliaeetus leucocephalus</i> <i>Harpia harpyja</i> <i>Pithecophaga jefferyi</i>	
Falconidae	<i>Falco araea</i> <i>Falco jugger</i> <i>Falco newtoni</i> +214 <i>Falco pelegrinoides</i> =361 <i>Falco peregrinus</i> <i>Falco punctatus</i> <i>Falco rusticolus</i>	
GALLIFORMES		
Megapodiidae	<i>Macrocephalon maleo</i>	
Cracidae	<i>Crax blumenbachii</i> <i>Mitu mitu mitu</i> =362 <i>Oreophasis derbianus</i> <i>Penelope albipennis</i> <i>Pipile jacutinga</i> =363 <i>Pipile pipile pipile</i> =363	
Phasianidae	<i>Catreus wallichii</i> <i>Colinus virginianus ridgwayi</i> <i>Crossoptilon crossoptilon</i> <i>Crossoptilon harmani</i> =364 <i>Crossoptilon mantchuricum</i>	<i>Argusianus argus</i>
	<i>Lophophorus impejanus</i>	<i>Gallus sonneratii</i> <i>Ithaginis cruentus</i>

*Lophophorus lhuysii*  
*Lophophorus sclateri*  
*Lophura edwardsi*  
*Lophura imperialis*  
*Lophura swinhoii*

*Polyplectron emphanum*

*Rheinardia ocellata* =366  
*Syrnaticus ellioti*  
*Syrnaticus humiae*  
*Syrnaticus mikado*  
*Tetraogallus caspius*  
*Tetraogallus tibetanus*  
*Tragopan blythii*  
*Tragopan caboti*  
*Tragopan melanocephalus*  
*Tympanuchus cupido attwateri*

*Pavo muticus*  
*Polyplectron bicalcaratum*

*Polyplectron germaini*  
*Polyplectron malacense*  
*Polyplectron schleiermacheri* =365

GRUIFORMES

Turnicidae

*Turnix melanogaster*

Pedionomidae

*Pedionomus torquatus*

Gruidae

Gruidae spp. \*

*Grus americana*  
*Grus canadensis nesiotes*  
*Grus canadensis pulla*  
*Grus japonensis*  
*Grus leucogeranus*  
*Grus monacha*  
*Grus nigricollis*  
*Grus vipio*

Rallidae

*Gallirallus australis hectori*

*Gallirallus sylvestris* =367

Rhynochetidae

*Rhynochetos jubatus*

Otididae

Otididae spp. \*

*Ardeotis nigriceps* =368  
*Chlamydotis undulata*  
*Eupodotis bengalensis* =369

CHARADRIIFORMES

Scolopacidae

*Numenius borealis*  
*Numenius tenuirostris*  
*Tringa guttifer*

Laridae

*Larus relictus*

COLUMBIFORMES

Columbidae                    *Caloenas nicobarica*  
                                      *Ducula mindorensis*  
  
*Gallicolumba luzonica*  
*Goura* spp.

PSITTACIFORMES

PSITTACIFORMES spp. \* -108

Psittacidae            *Amazona arausiaca*  
                              *Amazona barbadensis*  
                              *Amazona brasiliensis*  
                              *Amazona guildingii*  
                              *Amazona imperialis*  
                              *Amazona leucocephala*  
                              *Amazona pretrei*  
                              *Amazona rhodocorytha* =370  
                              *Amazona tucumana*  
                              *Amazona versicolor*  
                              *Amazona vinacea*  
                              *Amazona vittata*  
                              *Anodorhynchus* spp.  
                              *Ara ambigua*  
                              *Ara glaucogularis* =371  
                              *Ara macao*  
                              *Ara maracana*  
                              *Ara militaris*  
                              *Ara rubrogenys*  
                              *Aratinga guarouba*  
                              *Cacatua goffini*  
                              *Cacatua haematuropygia*  
*Cacatua moluccensis*  
*Cyanopsitta spixii*  
*Cyanoramphus auriceps forbesi*  
*Cyanoramphus cookii* =372  
*Cyanoramphus novaezelandiae*  
*Cyclopsitta diophthalma coxeni* =373  
*Eos histrio*  
*Geopsittacus occidentalis* p.e. =374  
*Neophema chrysogaster*  
*Ognorhynchus icterotis*  
*Pezoporus wallicus*  
*Pionopsitta pileata*  
*Probosciger aterrimus*  
*Psephotus chrysopterygius*  
*Psephotus dissimilis* =375  
*Psephotus pulcherrimus* p.e.  
*Psittacula echo* =376  
*Pyrrhura cruentata*  
*Rhynchopsitta* spp.  
                              *Strigops habroptilus*

CUCULIFORMES



Musophagidae		<i>Musophaga porphyreolophus</i> =377 <i>Tauraco</i> spp.
STRIGIFORMES		STRIGIFORMES spp. *
Tytonidae	<i>Tyto soumagnei</i>	
Strigidae	<i>Athene blewitti</i> <i>Mimizuku gurneyi</i> =378 <i>Ninox novaeseelandiae undulata</i> =379 <i>Ninox squamipila natalis</i>	
APODIFORMES		
Trochilidae	<i>Ramphodon dohrnii</i> =380	Trochilidae spp. *
TROGONIFORMES		
Trogonidae	<i>Pharomachrus mocinno</i>	
CORACIIFORMES		
Bucerotidae	<i>Aceros nipalensis</i> <i>Aceros subruficollis</i>	<i>Aceros</i> spp. *
Bucerotidae (cont.)	<i>Buceros bicornis</i> <i>Buceros vigil</i> =382	<i>Anorrhinus</i> spp. =381 <i>Anthracoceros</i> spp. <i>Buceros</i> spp. *
		<i>Penelopides</i> spp.
PICIFORMES		
Ramphastidae		<i>Pteroglossus aracari</i> <i>Pteroglossus viridis</i> <i>Ramphastos sulfuratus</i> <i>Ramphastos toco</i> <i>Ramphastos tucanus</i> <i>Ramphastos vitellinus</i>
Picidae	<i>Campephilus imperialis</i> <i>Dryocopus javensis richardsi</i>	
PASSERIFORMES		
Cotingidae	<i>Cotinga maculata</i> <i>Xipholena atropurpurea</i>	<i>Rupicola</i> spp.
Pittidae	<i>Pitta gurneyi</i> <i>Pitta kochi</i>	<i>Pitta guajana</i>  <i>Pitta nympha</i> =383

Atrichornithidae	<i>Atrichornis clamosus</i>	
Hirundinidae	<i>Pseudochelidon sirintarae</i>	
Muscicapidae	<i>Dasyornis broadbenti litoralis</i> p.e. <i>Dasyornis longirostris</i> =385 <i>Picathartes gymnocephalus</i> <i>Picathartes oreas</i>	<i>Cyornis ruckii</i> =384
Zosteropidae	<i>Zosterops albogularis</i>	
Meliphagidae	<i>Lichenostomus melanops cassidix</i> =386	
Emberizidae		<i>Gubernatrix cristata</i> <i>Paroaria capitata</i> <i>Paroaria coronata</i>
Icteridae	<i>Agelaius flavus</i>	
Fringillidae	<i>Carduelis cucullata</i> =387	<i>Carduelis yarrellii</i> =387
Estrildidae		<i>Poephila cincta cincta</i>
Sturnidae	<i>Leucopsar rothschildi</i>	
Paradisaeidae		Paradisaeidae spp.
<u>REPTILIA</u>		
TESTUDINATA		
Dermatemydidae		<i>Dermatemys mawii</i>
Emydidae	<i>Batagur baska</i>  <i>Clemmys muhlenbergi</i> <i>Geoclemys hamiltonii</i> <i>Kachuga tecta</i> =388 <i>Melanochelys tricarinata</i> =389 <i>Morenia ocellata</i>  <i>Terrapene coahuila</i>	<i>Clemmys insculpta</i>      <i>Terrapene</i> spp. *
Testudinidae	<i>Geochelone nigra</i> =390 <i>Geochelone radiata</i> =391 <i>Geochelone yniphora</i> =391 <i>Gopherus flavomarginatus</i> <i>Psammobates geometricus</i> =391 <i>Testudo kleinmanni</i>	Testudinidae spp. *
Cheloniidae	Cheloniidae spp.	

Dermochelyidae	<i>Dermochelys coriacea</i>	
Trionychidae	<i>Trionyx ater</i> =392 <i>Trionyx gangeticus</i> =392 <i>Trionyx hurum</i> =392 <i>Trionyx nigricans</i> =392	<i>Lissemys punctata</i>
Pelomedusidae		<i>Erymnochelys madagascariensis</i> =393 <i>Peltocephalus dumeriliana</i> =393 <i>Podocnemis</i> spp.
Chelidae	<i>Pseudemydura umbrina</i>	
CROCODYLIA		CROCODYLIA spp. * =394
Alligatoridae	<i>Alligator sinensis</i> <i>Caiman crocodilus apaporiensis</i> <i>Caiman latirostris</i> <i>Melanosuchus niger</i> ** -109	
Crocodylidae	<i>Crocodylus acutus</i> <i>Crocodylus cataphractus</i> <i>Crocodylus intermedius</i> <i>Crocodylus moreletii</i>	
Crocodylidae (cont.)	<i>Crocodylus niloticus</i> ** -110 <i>Crocodylus novaeguineae mindorensis</i> =395 <i>Crocodylus palustris</i> <i>Crocodylus porosus</i> ** -111 <i>Crocodylus rhombifer</i> <i>Crocodylus siamensis</i> <i>Osteolaemus tetraspis</i> <i>Tomistoma schlegelii</i>	
Gavialidae	<i>Gavialis gangeticus</i>	
RHYNCHOCEPHALIA		
Sphenodontidae	<i>Sphenodon</i> spp.	
SAURIA		
Gekkonidae		<i>Cyrtodactylus serpensinsula</i> <i>Phelsuma</i> spp.
Agamidae		<i>Uromastyx</i> spp.
Chamaeleonidae		<i>Bradypodion</i> spp. =396 <i>Chamaeleo</i> spp.
Iguanidae	<i>Brachylophus</i> spp.  <i>Cyclura</i> spp.	<i>Amblyrhynchus cristatus</i>  <i>Conolophus</i> spp.



		<i>Iguana</i> spp. <i>Phrynosoma coronatum</i>
	<i>Sauromalus varius</i>	
Lacertidae	<i>Gallotia simonyi</i>	<i>Podarcis lilfordi</i> <i>Podarcis pityusensis</i>
Cordylidae		<i>Cordylus</i> spp. <i>Pseudocordylus</i> spp.
Teiidae		<i>Cnemidophorus hyperythrus</i> <i>Crocodilurus lacertinus</i> <i>Dracaena</i> spp. <i>Tupinambis</i> spp.
Scincidae		<i>Corucia zebrata</i>
Xenosauridae		<i>Shinisaurus crocodilurus</i>
Helodermatidae		<i>Heloderma</i> spp.
Varanidae		<i>Varanus</i> spp. *
	<i>Varanus bengalensis</i> <i>Varanus flavescens</i> <i>Varanus griseus</i> <i>Varanus komodoensis</i>	
SERPENTES		
Boidae		Boidae spp. *
	<i>Acrantophis</i> spp. <i>Boa constrictor occidentalis</i> =397 <i>Bolyeria multocarinata</i> <i>Casarea dussumieri</i> <i>Epicrates inornatus</i> <i>Epicrates monensis</i> <i>Epicrates subflavus</i> <i>Python molurus molurus</i> =398 <i>Sanzinia madagascariensis</i>	
Colubridae		<i>Clelia clelia</i> =399 <i>Cyclagras gigas</i> =400 <i>Elachistodon westermanni</i> <i>Ptyas mucosus</i>
Elapidae		<i>Hoplocephalus bungaroides</i> <i>Naja naja</i> <i>Ophiophagus hannah</i>
Viperidae	<i>Vipera ursinii</i> +215	<i>Vipera wagneri</i>

AMPHIBIA

CAUDATA

Ambystomidae		<i>Ambystoma dumerilii</i> <i>Ambystoma mexicanum</i>
Cryptobranchidae	<i>Andrias</i> spp. =401	
ANURA		
Bufo	<i>Atelopus varius zeteki</i> <i>Bufo periglenes</i>	<i>Bufo retiformis</i>
	<i>Bufo superciliaris</i> <i>Nectophrynoides</i> spp.	
Myobatrachidae		<i>Rheobatrachus</i> spp.
Dendrobatidae		<i>Dendrobates</i> spp. <i>Phyllobates</i> spp.
Ranidae		<i>Mantella aurantiaca</i> <i>Rana hexadactyla</i> <i>Rana tigerina</i>
Microhylidae	<i>Dyscophus antongilii</i>	
<u>PISCES</u>		
CERATODONTIFORMES		
Ceratodontidae		<i>Neoceratodus forsteri</i>
COELACANTHIFORMES		
Latimeriidae	<i>Latimeria chalumnae</i>	
ACIPENSERIFORMES		
Acipenseridae	<i>Acipenser brevirostrum</i> <i>Acipenser sturio</i>	<i>Acipenser oxyrhynchus</i>
Polyodontidae		<i>Polyodon spathula</i>
OSTEOGLOSSIFORMES		
Osteoglossidae	<i>Scleropages formosus</i>	<i>Arapaima gigas</i>
CYPRINIFORMES		
Cyprinidae	<i>Probarbus jullieni</i>	<i>Caecobarbus geertsi</i>
Catostomidae	<i>Chasmistes cujus</i>	
SILURIFORMES		
Pangasiidae	<i>Pangasianodon gigas</i>	

PERCIFORMES

Sciaenidae *Cynoscion macdonaldi*

**ARTHROPODA**

INSECTA

LEPIDOPTERA

Papilionidae *Bhutanitis* spp.  
*Ornithoptera* spp. \* =402  
*Ornithoptera alexandrae*  
*Papilio chikae*  
*Papilio homerus*  
*Papilio hospiton*  
*Parnassius apollo*  
*Teinopalpus* spp.  
*Trogonoptera* spp. =402  
*Troides* spp. =402

ARACHNIDA

SCORPIONES

Scorpionidae *Pandinus dictator*  
*Pandinus gambiensis*  
*Pandinus imperator*

ARANEAE

Theraphosidae *Brachypelma* spp.

ANNELIDA

HIRUDINOIDEA

ARHYNCHOBDELLAE

Hirudinidae *Hirudo medicinalis*

MOLLUSCA

BIVALVIA

VENEROIDA

Tridacnidae *Tridacnidae* spp.

UNIONOIDA

Unionidae *Conradilla caelata*  
*Cyprogenia aberti*



*Dromus dromas* =403  
*Epioblasma curtisi* =404  
*Epioblasma florentina* =404  
*Epioblasma sampsoni* =404  
*Epioblasma sulcata perobliqua* =404  
*Epioblasma torulosa gubernaculum*  
 =404

*Epioblasma torulosa torulosa* =404  
*Epioblasma turgidula* =404  
*Epioblasma walkeri* =404  
*Fusconaia cuneolus*  
*Fusconaia edgariana*

*Lampsilis higginsii*  
*Lampsilis orbiculata orbiculata*  
*Lampsilis satur*  
*Lampsilis virescens*

*Plethobasus cicatricosus*  
*Plethobasus cooperianus*

*Pleurobema plenum*  
*Potamilus capax* =405  
*Quadrula intermedia*  
*Quadrula sparsa*  
*Toxolasma cylindrella* =406  
*Unio nickliniana* =407  
*Unio tampicoensis tecomatensis* =408  
*Villosa trabalis* =409

*Epioblasma torulosa rangiana* =404

*Fusconaia subrotunda*  
*Lampsilis brevicula*

*Lexingtonia dolabelloides*

*Pleurobema clava*

GASTROPODA

STYLOMMATOPHORA

Achatinellidae *Achatinella* spp.

Camaenidae *Papustyla pulcherrima* =410

Paryphantidae *Paryphanta* spp. +216

MESOGASTROPODA

Strombidae *Strombus gigas*

CNIDARIA

ANTHOZOA

COENOTHECALIA COENOTHECALIA spp. =411 505

STOLONIFERA

Tubiporidae		Tubiporidae spp. 505
ANTIPATHARIA		ANTIPATHARIA spp.
SCLERACTINIA		SCLERACTINIA spp. 505
<u>HYDROZOA</u>		
MILLEPORINA		
Milleporidae		Milleporidae spp. 505
STYLASTERINA		
Stylasteridae		Stylasteridae spp. 505
<b>FLORA</b>		
AGAVACEAE	<i>Agave arizonica</i> <i>Agave parviflora</i>  <i>Nolina interrata</i>	<i>Agave victoriae-reginae</i> #1
AMARYLLIDACEAE		<i>Galanthus</i> spp. #1 <i>Sternbergia</i> spp. #1
APOCYNACEAE	<i>Pachypodium ambongense</i> <i>Pachypodium baronii</i> <i>Pachypodium decaryi</i>	<i>Pachypodium</i> spp. * 506 #1  <i>Rauvolfia serpentina</i> #2
ARALIACEAE		<i>Panax quinquefolius</i> #3
ARAUCARIACEAE	<i>Araucaria araucana</i> ** +217	<i>Araucaria araucana</i> * -112 #1
ASCLEPIADACEAE		<i>Ceropegia</i> spp. #1 <i>Frerea indica</i> #1
BERBERIDACEAE		<i>Podophyllum hexandrum</i> =412 #2
BROMELIACEAE		<i>Tillandsia harrisii</i> #1 <i>Tillandsia kammii</i> #1 <i>Tillandsia kautskyi</i> #1 <i>Tillandsia mauryana</i> #1 <i>Tillandsia sprengeliana</i> #1 <i>Tillandsia sucrei</i> #1 <i>Tillandsia xerographica</i> #1

BYBLIDACEAE

*Byblis* spp. #1

CACTACEAE

CACTACEAE spp. \* #4

*Ariocarpus* spp.  
*Astrophytum asterias* =413  
*Aztekium ritteri*  
*Coryphantha werdermannii*  
*Discocactus* spp.  
*Disocactus macdougallii* =414  
*Echinocereus ferreirianus*  
 var. *lindsayi* =415

CACTACEAE (cont.)

*Echinocereus schmollii* =416  
*Escobaria minima* =417  
*Escobaria sneedii* =417  
*Mammillaria pectinifera* =418  
*Mammillaria solisioides*  
*Melocactus conoideus*  
*Melocactus deinacanthus*  
*Melocactus glaucescens*  
*Melocactus paucispinus*  
*Obregonia denegrii*  
*Pachycereus militaris* =419  
*Pediocactus bradyi* =420  
*Pediocactus despainii*  
*Pediocactus knowltonii* =420  
*Pediocactus paradinei*  
*Pediocactus peeblesianus* =420  
*Pediocactus sileri*  
*Pediocactus winkleri*  
*Pelecypora* spp.  
*Sclerocactus brevihamatus* =421  
*Sclerocactus erectocentrus* =422  
*Sclerocactus glaucus*  
*Sclerocactus mariposensis* =422  
*Sclerocactus mesae-verdae*  
*Sclerocactus papyracanthus* =423  
*Sclerocactus pubispinus*  
*Sclerocactus wrightiae*  
*Strombocactus disciformis*  
*Turbinicarpus* spp. =424  
*Uebelmannia* spp.

CARYOCARACEAE

*Caryocar costaricense* #1

CEPHALOTACEAE

*Cephalotus follicularis* #1

COMPOSITAE  
 (ASTERACEAE)

*Saussurea costus* =425



CRASSULACEAE	<i>Dudleya stolonifera</i> <i>Dudleya traskiae</i>	
CUPRESSACEAE	<i>Fitzroya cupressoides</i> <i>Pilgerodendron uviferum</i>	
CYATHEACEAE		CYATHEACEAE spp. #1
CYCADACEAE	<i>Cycas beddomei</i>	CYCADACEAE spp. * #1
DIAPENSIACEAE		<i>Shortia galacifolia</i> #1
DICKSONIACEAE		DICKSONIACEAE spp. #1
DIDIEREACEAE		DIDIEREACEAE spp. #1
DIOSCOREACEAE		<i>Dioscorea deltoidea</i> #1
DROSERACEAE		<i>Dionaea muscipula</i> #1
ERICACEAE		<i>Kalmia cuneata</i> #1
EUPHORBIACEAE	<i>Euphorbia ambovombensis</i> <i>Euphorbia cremersii</i> <i>Euphorbia cylindrifolia</i> =426 <i>Euphorbia decaryi</i> <i>Euphorbia francoisii</i> <i>Euphorbia moratii</i> <i>Euphorbia parvicyathophora</i> <i>Euphorbia quartziticola</i> <i>Euphorbia tulearensis</i> =427	<i>Euphorbia</i> spp. -113 #1
FOUQUIERIACEAE	<i>Fouquieria fasciculata</i> <i>Fouquieria purpusii</i>	<i>Fouquieria columnaris</i> #1
JUGLANDACEAE		<i>Oreomunnea pterocarpa</i> =428 #1
LEGUMINOSAE (FABACEAE)	<i>Dalbergia nigra</i>	<i>Pericopsis elata</i> #5

		<i>Platymiscium pleiostachyum</i> #1
		<i>Pterocarpus santalinus</i> #6
LILIACEAE		<i>Aloe</i> spp. * -114 #1
	<i>Aloe albida</i>	
	<i>Aloe albiflora</i>	
	<i>Aloe alfredii</i>	
	<i>Aloe bakeri</i>	
	<i>Aloe bellatula</i>	
LILIACEAE (cont.)	<i>Aloe calcairophila</i>	
	<i>Aloe compressa</i> =429	
	<i>Aloe delphinensis</i>	
	<i>Aloe descoingsii</i>	
	<i>Aloe fragilis</i>	
	<i>Aloe haworthioides</i> =430	
	<i>Aloe helenae</i>	
	<i>Aloe laeta</i> =431	
	<i>Aloe parallelifolia</i>	
	<i>Aloe parvula</i>	
	<i>Aloe pillansii</i>	
	<i>Aloe polyphylla</i>	
	<i>Aloe rauhii</i>	
	<i>Aloe suzannae</i>	
	<i>Aloe thorncroftii</i>	
	<i>Aloe versicolor</i>	
	<i>Aloe vossii</i>	
MELIACEAE		<i>Swietenia humilis</i> #1
		<i>Swietenia mahagoni</i> #5
NEPENTHACEAE		<i>Nepenthes</i> spp. * #1
	<i>Nepenthes khasiana</i>	
	<i>Nepenthes rajah</i>	
ORCHIDACEAE		ORCHIDACEAE spp. * =432 #7
	<i>Cattleya trianae</i> 507	
	<i>Dendrobium cruentum</i> 507	
	<i>Laelia jongheana</i> 507	
	<i>Laelia lobata</i> 507	
	<i>Paphiopedilum</i> spp. 507	
	<i>Peristeria elata</i> 507	
	<i>Phragmipedium</i> spp. 507	
	<i>Renanthera imschootiana</i> 507	
	<i>Vanda coerulea</i> 507	
PALMAE (ARECACEAE)		<i>Chrysalidocarpus</i>
		<i>decipiens</i> #1
		<i>Neodypsis decaryi</i> #1
PINACEAE	<i>Abies guatemalensis</i>	
PODOCARPACEAE	<i>Podocarpus parlatorei</i>	

PORTULACACEAE		<i>Anacampseros</i> spp. #1 <i>Lewisia cotyledon</i> #1 <i>Lewisia maguirei</i> #1
PORTULACACEAE (cont.)		<i>Lewisia serrata</i> #1 <i>Lewisia tweedyi</i> #1
PRIMULACEAE		<i>Cyclamen</i> spp. #1
PROTEACEAE	<i>Orothamnus zeyheri</i> <i>Protea odorata</i>	
ROSACEAE		<i>Prunus africana</i> #1
RUBIACEAE	<i>Balmea stormiae</i>	
SARRACENIACEAE	<i>Sarracenia alabamensis</i> <i>alabamensis</i> =433 <i>Sarracenia jonesii</i> =434 <i>Sarracenia oreophila</i>	<i>Darlingtonia californica</i> #1 <i>Sarracenia</i> spp. * #1
STANGERIACEAE	<i>Stangeria eriopus</i> =435	
TAXACEAE		<i>Taxus wallichiana</i> =436 #8
THEACEAE		<i>Camellia chrysantha</i> #1
THYMELEACEAE (AQUILARIACEAE)		<i>Aquilaria malaccensis</i> #1
WELWITSCHIACEAE		<i>Welwitschia mirabilis</i> =437 #1
ZAMIACEAE	<i>Ceratozamia</i> spp. <i>Chigua</i> spp. <i>Encephalartos</i> spp. <i>Microcycas calocoma</i>	ZAMIACEAE spp. * #1
ZINGIBERACEAE		<i>Hedychium philippinense</i> #1
ZYGOPHYLLACEAE		<i>Guaiacum officinale</i> #1 <i>Guaiacum sanctum</i> #1

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CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

APPENDIX III

valid from 16 November 1995

INTERPRETATION

1. References to taxa higher than species are for the purpose of information or classification only.
2. The symbol (+) followed by a number placed against the name of a species denotes that only designated geographically separate populations of that species are included in Appendix III as follows:  
+218 All populations of the species in the Americas
3. The symbol (=) followed by a number placed against the name of a species denotes that the name of that species shall be interpreted as follows:

- =438 Includes synonym *Tamandua mexicana*
- =439 Includes synonym *Cabassous gymnurus*
- =440 Includes generic synonym *Coendou*
- =441 Includes generic synonym *Cuniculus*
- =442 Includes synonym *Vulpes vulpes leucopus*
- =443 Formerly included as *Nasua nasua*
- =444 Includes synonym *Galictis allamandi*
- =445 Includes synonym *Martes gwatkinsi*
- =446 Includes generic synonym *Viverra*
- =447 Formerly included as *Viverra megaspila*
- =448 Formerly included as *Herpestes auropunctatus*
- =449 Formerly included as *Herpestes fuscus*
- =450 Formerly included as *Bubalus bubalis* (domesticated form)
- =451 Also referenced as *Boocercus eurycerus*; includes generic synonym *Taurotragus*
- =452 Also referenced as *Ardeola ibis*
- =453 Also referenced as *Egretta alba*
- =454 Also referenced as *Hagedashia hagedash*
- =455 Also referenced as *Lampribus rara*
- =456 Also referenced as *Spatula clypeata*
- =457 Also referenced as *Nyroca nyroca*
- =458 Includes synonym *Dendrocygna fulva*
- =459 Also referenced as *Cairina hartlaubii*
- =460 Also referenced as *Crax pauxi*
- =461 Formerly included as *Arborophila brunneopectus* (in part)
- =462 Also referenced as *Turturoena iriditorques*; formerly included as *Columba malherbii* (in part)
- =463 Also referenced as *Nesoenas mayeri*
- =464 Formerly included as *Treron australis* (in part)
- =465 Also referenced as *Calopelia brehmeri*; includes synonym *Calopelia puella*
- =466 Also referenced as *Tympanistria tympanistria*
- =467 Also referenced as *Tchitrea bourbonensis*
- =468 Formerly included as *Serinus gularis* (in part)
- =469 Also referenced as *Estrilda subflava* or *Sporaeginthus subflavus*
- =470 Formerly included as *Lagonosticta larvata* (in part)
- =471 Includes generic synonym *Spermestes*
- =472 Also referenced as *Euodice cantans*; formerly included as *Lonchura malabarica* (in part)
- =473 Also referenced as *Hypargos nitidulus*
- =474 Formerly included as *Parmoptila woodhousei* (in part)
- =475 Includes synonyms *Pyrenestes frommi* and *Pyrenestes rothschildi*

- =476 Also referenced as *Estrilda bengala*
- =477 Also referenced as *Malimbus rubriceps* or *Anaplectes melanotis*
- =478 Also referenced as *Coliuspasser ardens*
- =479 Formerly included as *Euplectes orix* (in part)
- =480 Also referenced as *Coliuspasser macrourus*
- =481 Also referenced as *Ploceus superciliosus*
- =482 Includes synonym *Ploceus nigriceps*
- =483 Also referenced as *Sitagra luteola*
- =484 Also referenced as *Sitagra melanocephala*
- =485 Formerly included as *Ploceus velatus*
- =486 Also referenced as *Hypochoera chalybeata*; includes synonyms *Vidua amauropteryx*, *Vidua centralis*, *Vidua neumanni*, *Vidua okavangoensis* and *Vidua ultramarina*
- =487 Formerly included as *Vidua paradisaea* (in part)
- =488 Also referenced as *Pelusios subniger*
- =489 Formerly included in genus *Natrix*

4. The names of the countries placed against the names of species are those of the Parties submitting these species for inclusion in this appendix.
5. Any animal, whether live or dead, of a species listed in this appendix, is covered by the provisions of the Convention, as is any readily recognizable part or derivative thereof.
6. In accordance with Article I, paragraph (b), sub-paragraph (iii), of the Convention, the symbol (#) followed by a number placed against the name of a plant species included in Appendix III designates parts or derivatives which are specified in relation thereto for the purposes of the Convention as follows:
  - #1 Designates all readily recognizable parts and derivatives, except:
    - a) seeds, spores and pollen (including pollinia); and
    - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers
  - #5 Designates saw-logs, sawn wood and veneers.

## FAUNA

### MAMMALIA

#### CHIROPTERA

Phyllostomidae	<i>Vampyrops lineatus</i>	Uruguay
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#### EDENTATA

Myrmecophagidae	<i>Tamandua tetradactyla</i> =438	Guatemala
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Megalonychidae	<i>Choloepus hoffmanni</i>	Costa Rica
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Dasypodidae	<i>Cabassous centralis</i> <i>Cabassous tatouay</i> =439	Costa Rica Uruguay
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#### RODENTIA

Sciuridae	<i>Epixerus ebii</i>	Ghana
	<i>Marmota caudata</i>	India
	<i>Marmota himalayana</i>	India
	<i>Sciurus deppei</i>	Costa Rica
Anomaluridae	<i>Anomalurus beecrofti</i>	Ghana
	<i>Anomalurus derbianus</i>	Ghana
	<i>Anomalurus pelii</i>	Ghana
	<i>Idiurus macrotis</i>	Ghana
Hystriidae	<i>Hystrix cristata</i>	Ghana
Erethizontidae	<i>Sphiggurus mexicanus</i> =440	Honduras
	<i>Sphiggurus spinosus</i> =440	Uruguay
Agoutidae	<i>Agouti paca</i> =441	Honduras
Dasyproctidae	<i>Dasyprocta punctata</i>	Honduras
CARNIVORA		
Canidae	<i>Canis aureus</i>	India
	<i>Vulpes bengalensis</i>	India
	<i>Vulpes vulpes griffithi</i>	India
	<i>Vulpes vulpes montana</i>	India
	<i>Vulpes vulpes pusilla</i> =442	India
Procyonidae	<i>Bassaricyon gabbii</i>	Costa Rica
	<i>Bassariscus sumichrasti</i>	Costa Rica
	<i>Nasua narica</i> =443	Honduras
	<i>Nasua nasua solitaria</i>	Uruguay
	<i>Potos flavus</i>	Honduras
Mustelidae	<i>Eira barbara</i>	Honduras
	<i>Galictis vittata</i> =444	Costa Rica
	<i>Martes flavigula</i> =445	India
	<i>Martes foina intermedia</i>	India
	<i>Mellivora capensis</i>	Botswana, Ghana
	<i>Mustela altaica</i>	India
	<i>Mustela erminea ferghanae</i>	India
	<i>Mustela kathiah</i>	India
<i>Mustela sibirica</i>	India	
Viverridae	<i>Arctictis binturong</i>	India
	<i>Civettictis civetta</i> =446	Botswana
	<i>Paguma larvata</i>	India
	<i>Paradoxurus hermaphroditus</i>	India



	<i>Paradoxurus jerdoni</i>	India
	<i>Viverra civettina</i> =447	India
	<i>Viverra zibetha</i>	India
	<i>Viverricula indica</i>	India
Herpestidae	<i>Herpestes javanicus auropunctata</i> =448	India
	<i>Herpestes edwardsi</i>	India
	<i>Herpestes brachyurus fusca</i> =449	India
	<i>Herpestes smithii</i>	India
	<i>Herpestes urva</i>	India
	<i>Herpestes vitticollis</i>	India
Protelidae	<i>Proteles cristatus</i>	Botswana
PINNIPEDIA		
Odobenidae	<i>Odobenus rosmarus</i>	Canada
ARTIODACTYLA		
Tragulidae	<i>Hyemoschus aquaticus</i>	Ghana
Cervidae	<i>Cervus elaphus barbarus</i>	Tunisia
	<i>Mazama americana cerasina</i>	Guatemala
	<i>Odocoileus virginianus mayensis</i>	Guatemala
Bovidae	<i>Antilope cervicapra</i>	Nepal
	<i>Bubalus arnee</i> =450	Nepal
	<i>Damaliscus lunatus</i>	Ghana
	<i>Gazella cuvieri</i>	Tunisia
	<i>Gazella dorcas</i>	Tunisia
	<i>Gazella leptoceros</i>	Tunisia
	<i>Tetracerus quadricornis</i>	Nepal
	<i>Tragelaphus eurycerus</i> =451	Ghana
	<i>Tragelaphus spekii</i>	Ghana
<u>AVES</u>		
CICONIIFORMES		
Ardeidae	<i>Ardea goliath</i>	Ghana
	<i>Bubulcus ibis</i> =452	Ghana
	<i>Casmerodius albus</i> =453	Ghana
	<i>Egretta garzetta</i>	Ghana

Ciconiidae	<i>Ephippiorhynchus senegalensis</i>	Ghana
	<i>Leptoptilos crumeniferus</i>	Ghana
Threskiornithidae	<i>Bostrychia hagedash</i> =454	Ghana
	<i>Bostrychia rara</i> =455	Ghana
	<i>Threskiornis aethiopicus</i>	Ghana
ANSERIFORMES		
Anatidae	<i>Alopochen aegyptiacus</i>	Ghana
	<i>Anas acuta</i>	Ghana
	<i>Anas capensis</i>	Ghana
	<i>Anas clypeata</i> =456	Ghana
	<i>Anas crecca</i>	Ghana
	<i>Anas penelope</i>	Ghana
	<i>Anas querquedula</i>	Ghana
	<i>Aythya nyroca</i> =457	Ghana
	<i>Cairina moschata</i>	Honduras
	<i>Dendrocygna autumnalis</i>	Honduras
	<i>Dendrocygna bicolor</i> =458	Ghana, Honduras
	<i>Dendrocygna viduata</i>	Ghana
	<i>Nettapus auritus</i>	Ghana
	<i>Plectropterus gambensis</i>	Ghana
	<i>Pteronetta hartlaubii</i> =459	Ghana
FALCONIFORMES		
Cathartidae	<i>Sarcoramphus papa</i>	Honduras
GALLIFORMES		
Cracidae	<i>Crax alberti</i>	Colombia
	<i>Crax daubentoni</i>	Colombia
	<i>Crax globulosa</i>	Colombia
	<i>Crax rubra</i>	Colombia, Costa Rica, Guatemala, Honduras
	<i>Ortalis vetula</i>	Guatemala, Honduras
	<i>Pauxi pauxi</i> =460	Colombia
	<i>Penelope purpurascens</i>	Honduras
	<i>Penelopina nigra</i>	Guatemala
Phasianidae	<i>Agelastes meleagrides</i>	Ghana
	<i>Agriocharis ocellata</i>	Guatemala
	<i>Arborophila charltonii</i>	Malaysia
	<i>Arborophila orientalis</i> =461	Malaysia
	<i>Caloperdix oculatea</i>	Malaysia
Phasianidae (cont.)	<i>Lophura erythrophthalma</i>	Malaysia
	<i>Lophura ignita</i>	Malaysia
	<i>Melanoperdix nigra</i>	Malaysia
	<i>Polyplectron inopinatum</i>	Malaysia
	<i>Rhizothera longirostris</i>	Malaysia
	<i>Rollulus rouloul</i>	Malaysia
	<i>Tragopan satyra</i>	Nepal

CHARADRIIFORMES

Burhinidae *Burhinus bistriatus* Guatemala

COLUMBIFORMES

Columbidae *Columba guinea* Ghana  
*Columba iriditorques* =462 Ghana  
*Columba livia* Ghana  
*Columba mayeri* =463 Mauritius  
*Columba uncinata* Ghana  
*Oena capensis* Ghana  
*Streptopelia decipiens* Ghana  
*Streptopelia roseogrisea* Ghana  
*Streptopelia semitorquata* Ghana  
*Streptopelia senegalensis* Ghana  
*Streptopelia turtur* Ghana  
*Streptopelia vinacea* Ghana  
*Treron calva* =464 Ghana  
*Treron waalia* Ghana  
*Turtur abyssinicus* Ghana  
*Turtur afer* Ghana  
*Turtur brehmeri* =465 Ghana  
*Turtur tympanistris* =466 Ghana

PSITTACIFORMES

Psittacidae *Psittacula krameri* Ghana

CUCULIFORMES

Musophagidae *Corythaeola cristata* Ghana  
*Crinifer piscator* Ghana  
*Musophaga violacea* Ghana

PICIFORMES

Capitonidae *Semnornis ramphastinus* Colombia

Ramphastidae *Bailloni bailloni* Argentina  
*Pteroglossus castanotis* Argentina  
*Ramphastos dicolorus* Argentina  
*Selenidera maculirostris* Argentina

PASSERIFORMES

Cotingidae *Cephalopterus ornatus* Colombia  
*Cephalopterus penduliger* Colombia





<i>Sporopipes frontalis</i>	Ghana	<i>Vidua chalybeata</i> =486	Ghana
<i>Vidua interjecta</i>	Ghana	<i>Vidua larvaticola</i>	Ghana
<i>Vidua macroura</i>	Ghana	<i>Vidua orientalis</i> =487	Ghana
<i>Vidua raricola</i>	Ghana	<i>Vidua togoensis</i>	Ghana
<i>Vidua wilsoni</i>	Ghana		

Sturnidae *Gracula religiosa* Thailand

REPTILIA

TESTUDINATA

Trionychidae *Trionyx triunguis* Ghana

Pelomedusidae	<i>Pelomedusa subrufa</i>	Ghana	<i>Pelusios adansonii</i>	Ghana
	<i>Pelusios castaneus</i>	Ghana	<i>Pelusios gabonensis</i> =488	Ghana
	<i>Pelusios niger</i>	Ghana		

SERPENTES

Colubridae	<i>Atretium schistosum</i>	India
	<i>Cerberus rhynchops</i>	India
	<i>Xenochrophis piscator</i> =489	India

Elapidae	<i>Micrurus diastema</i>	Honduras
	<i>Micrurus nigrocinctus</i>	Honduras

Viperidae	<i>Agkistrodon bilineatus</i>	Honduras	<i>Bothrops asper</i>	Honduras
	<i>Bothrops nasutus</i>	Honduras	<i>Bothrops nummifer</i>	Honduras
	<i>Bothrops ophryomegas</i>	Honduras	<i>Bothrops schlegelii</i>	Honduras
	<i>Crotalus durissus</i>	Honduras	<i>Vipera russellii</i>	India

**FLORA**

GNETACEAE *Gnetum montanum* #1 Nepal

MAGNOLIACEAE *Talauma hodgsonii* #1 Nepal

MELIACEAE *Swietenia macrophylla* +218 #5 Costa Rica

PAPAVERACEAE *Meconopsis regia* #1 Nepal

PODOCARPACEAE *Podocarpus neriifolius* #1 Nepal

TETRACENTRACEAE *Tetracentron sinense* #1 Nepal

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**CONVENTION ON THE CONSERVATION  
OF MIGRATORY SPECIES OF WILD ANIMALS (1979)**

With APPENDICES as AMENDED 1985, 1988, 1991 and 1994

ENTERED INTO FORCE: 1 November 1983

The Contracting Parties,

*Recognizing* that wild animals in their innumerable forms are an irreplaceable part of the earth's natural system which must be conserved for the good of mankind;

*Aware* that each generation of man holds the resources of the earth for future generations and has an obligation to ensure that this legacy is conserved and, where utilized, is used wisely;

*Conscious* of the ever-growing value of wild animals from environmental, ecological, genetic, scientific, aesthetic, recreational, cultural, educational, social and economic points of view;

*Concerned* particularly with those species of wild animals that migrate across or outside national jurisdictional boundaries;

*Recognizing* that the States are and must be the protectors of the migratory species of wild animals that live within or pass through their national jurisdictional boundaries;

*Convinced* that conservation and effective management of migratory species of wild animals require the concerted action of all States within the national jurisdictional boundaries of which such species spend any part of their life cycle;

*Recalling* Recommendation 32 of the Action Plan adopted by the United Nations Conference on the Human Environment (Stockholm, 1972) and noted with satisfaction at the Twenty-seventh Session of the General Assembly of the United Nations,

Have agreed as follows:

*Article I* INTERPRETATION

1. For the purpose of this Convention:

- a) "Migratory species" means the entire population or any geographically separate part of the population of any species or lower taxon of wild animals, a significant proportion of whose members cyclically and predictably cross one or more national jurisdictional boundaries;
- b) "Conservation status of a migratory species" means the sum of the influences acting on the migratory species that may affect its long-term distribution and abundance;
- c) "Conservation status" will be taken as "favourable" when:
  - (i) population dynamics data indicate that the migratory species is maintaining itself on a long-term basis as a viable component of its ecosystems;
  - (ii) the range of the migratory species is neither currently being reduced, nor is likely to be reduced, on a long-term basis;
  - (iii) there is, and will be in the foreseeable future sufficient habitat to maintain the population of the

- migratory species on a long-term basis; and
- (iv) the distribution and abundance of the migratory species approach historic coverage and levels to the extent that potentially suitable ecosystems exist and to the extent consistent with wise wildlife management;
  - d) "Conservation status" will be taken as "unfavourable" if any of the conditions set out in sub-paragraph (c) of this paragraph is not met;
  - e) "Endangered" in relation to a particular migratory species means that the migratory species is in danger of extinction throughout all or a significant portion of its range;
  - f) "Range" means all the areas of land or water that a migratory species inhabits, stays in temporarily, crosses or overlies at any time on its normal migration route;
  - g) "Habitat" means any area in the range of a migratory species which contains suitable living conditions for that species;
  - n) "Range State" in relation to a particular migratory species means any State (and where appropriate any other Party referred to under subparagraph (k) of this paragraph) that exercises jurisdiction over any part of the range of that migratory species, or a State, flag vessels of which are engaged outside national jurisdictional limits in taking that migratory species;
  - i) "Taking" means taking, hunting, fishing capturing, harassing, deliberate killing, or attempting to engage in any such conduct;
  - j) "Agreement" means an international agreement relating to the conservation of one or more migratory species as provided for in Articles IV and V of this Convention; and
  - k) "Party" means a State or any regional economic integration organization constituted by sovereign States which has competence in respect of the negotiation, conclusion and application of international Agreements in matters covered by this Convention for which this Convention is in force.

2. In matters within their competence, the regional economic integration organizations which are Parties to this Convention shall in their own name exercise the rights and fulfil the responsibilities which this Convention attributes to their member States. In such cases the member States of these organisations shall not be entitled to exercise such rights individually.

3. Where this Convention provides for a decision to be taken by either a two-thirds majority or a unanimous decision of "the Parties present and voting" this shall mean "the Parties present and casting an affirmative or negative vote". Those abstaining from voting shall not be counted amongst "the Parties present and voting" in determining the majority.

## Article II FUNDAMENTAL PRINCIPLES

1. The Parties acknowledge the importance of migratory species being conserved and of Range States agreeing to take action to this end whenever possible and appropriate, paying special attention to migratory species the conservation status of which is unfavourable, and taking individually or in co-operation appropriate and necessary steps to conserve such species and their habitat.

2. The Parties acknowledge the need to take action to avoid any migratory species becoming endangered.

3. In particular, the Parties:

- a) should promote, co-operate in and support research relating to migratory species;
- b) shall endeavour to provide immediate protection for migratory species included in Appendix I; and



- c) shall endeavour to conclude Agreements covering the conservation and management of migratory species included in Appendix II.

*Article III*                    **ENDANGERED MIGRATORY SPECIES: Appendix I**

1. Appendix I shall list migratory species which are endangered.
2. A migratory species may be listed in Appendix I provided that reliable evidence, including the best scientific evidence available, indicates that the species is endangered.
3. A migratory species may be removed from Appendix I when the Conference of the Parties determines that:
  - a) reliable evidence, including the best scientific evidence available, indicates that the species is no longer endangered, and
  - b) the species is not likely to become endangered again because of loss of protection due to its removal from Appendix I.
4. Parties that are Range States of a migratory species listed in Appendix I shall endeavour:
  - a) to conserve and, where feasible and appropriate, restore those habitats of the species which are of importance in removing the species from danger of extinction;
  - b) to prevent, remove, compensate for or minimise, as appropriate, the adverse effects of activities or obstacles that seriously impede or prevent the migration of the species; and
  - c) to the extent feasible and appropriate, to prevent, reduce or control factors that are endangering or are likely to further endanger the species, including strictly controlling the introduction of, or controlling or eliminating, already introduced exotic species.
5. Parties that are Range States of a migratory species listed in Appendix I shall prohibit the taking of animals belonging to such species. Exceptions may be made to this prohibition only if:
  - a) the taking is for scientific purposes;
  - b) the taking is for the purpose of enhancing the propagation or survival of the affected species;
  - c) the taking is to accommodate the needs of traditional subsistence users of such species; or
  - d) extraordinary circumstances so require; provided that such exceptions are precise as to content and limited in space and time. Such taking should not operate to the disadvantage of the species.
6. The Conferences of the Parties may recommend to the Parties that are Range States of a migratory species listed in Appendix I that they take further measures considered appropriate to benefit the species.
7. The Parties shall as soon as possible inform the Secretariat of any exceptions made pursuant to paragraph 5 of this Article.

*Article IV*                    **MIGRATORY SPECIES TO BE THE SUBJECT OF AGREEMENTS: Appendix II**

1. Appendix II shall list migratory species which have an unfavourable conservation status and which require international agreements for their conservation and management, as well as those which have a conservation status which would significantly benefit from the international co-operation that could be achieved by an international agreement.
2. If the circumstances so warrant, a migratory species may be listed both in Appendix I and Appendix II.



3. Parties that are Range States of migratory species listed in Appendix II shall endeavour to conclude Agreements where these should benefit the species and should give priority to those species in an unfavourable conservation status.
4. Parties are encouraged to take action with a view to concluding agreements for any population or any geographically separate part of the population of any species or lower taxon of wild animals, members of which periodically cross one or more national jurisdiction boundaries.
5. The Secretariat shall be provided with a copy of each Agreement concluded pursuant to the provisions of this Article.

*Article V*                    GUIDELINES FOR AGREEMENTS

1. The object of each Agreement shall be to restore the migratory species concerned to a favourable conservation status or to maintain it in such a status. Each Agreement should deal with those aspects of the conservation and management of the migratory species concerned which serve to achieve that object.
2. Each Agreement should cover the whole of the range of the migratory species concerned and should be open to accession by all Range States of that species, whether or not they are Parties to this Convention.
3. An Agreement should, wherever possible, deal with more than one migratory species.
4. Each Agreement should:
  - a) identify the migratory species covered;
  - b) describe the range and migration route of the migratory species;
  - c) provide for each Party to designate its national authority concerned with the implementation of the Agreement.
  - d) establish, if necessary, appropriate machinery to assist in carrying out the aims of the Agreement, to monitor its effectiveness, and to prepare reports for the Conference of the Parties;
  - e) provide for procedures for the settlement of disputes between Parties to the Agreement; and
  - f) at a minimum, prohibit, in relation to a migratory species of the Order Cetacea, any taking that is not permitted for that migratory species under any other multilateral Agreement and provide for accession to the Agreement by States that are not Range States of that migratory species.
5. Where appropriate and feasible, each Agreement should provide for but not be limited to:
  - a) periodic review of the conservation status of the migratory species concerned and the identification of the factors which may be harmful to that status;
  - b) co-ordinated conservation and management plans;
  - c) research into the ecology and population dynamics of the migratory species concerned, with special regard to migration;
  - d) the exchange of information on the migratory species concerned, special regard being paid to the exchange of the results of research and of relevant statistics;
  - e) conservation and, where required and feasible, restoration of the habitats of importance in maintaining a favourable conservation status, and protection of such habitats from disturbances, including strict control of the introduction of, or control of already introduced, exotic species detrimental to the migratory species;

- f) maintenance of a network of suitable habitats appropriately disposed in relation to the migration routes;
- g) where it appears desirable, the provision of new habitats favourable to the migratory species or reintroduction of the migratory species into favourable habitats;
- h) elimination of, to the maximum extent possible, or compensation for activities and obstacles which hinder or impede migration;
- i) prevention, reduction or control of the release into the habitat of the migratory species of substances harmful to that migratory species;
- j) measures based on sound ecological principles to control and manage the taking of the migratory species;
- k) procedures for co-ordinating action to suppress illegal taking;
- l) exchange of information on substantial threats to the migratory species;
- m) emergency procedures whereby conservation action would be considerably and rapidly strengthened when the conservation status of the migratory species is seriously affected; and
- n) making the general public aware of the contents and aims of the Agreement.

*Article VI* RANGE STATES

1. A list of the Range States of migratory species listed in Appendices I and II shall be kept up to date by the Secretariat using information it has received from the Parties.
2. The Parties shall keep the Secretariat informed in regard to which of the migratory species listed in Appendices I and II they consider themselves to be Range States, including provision of information on their flag vessels engaged outside national jurisdictional limits in taking the migratory species concerned and, where possible, future plans in respect of such taking.
3. The Parties which are Range States for migratory species listed in Appendix I or Appendix II should inform the Conference of the Parties through the Secretariat, at least six months prior to each ordinary meeting of the Conference, on measures that they are taking to implement the provisions of this Convention for these species.

*Article VII* THE CONFERENCE OF THE PARTIES

1. The Conference of the Parties shall be the decision-making organ of this Convention.
2. The Secretariat shall call a meeting of the Conference of the Parties not later than two years after the entry into force of this Convention.
3. Thereafter the Secretariat shall convene ordinary meetings of the Conference of the Parties at intervals of not more than three years, unless the Conference decides otherwise, and extraordinary meetings at any time on the written request of at least one-third of the Parties.
4. The Conference of the Parties shall establish and keep under review the financial regulations of this Convention. The Conference of the Parties shall, at each of its ordinary meetings, adopt the budget for the next financial period. Each Party shall contribute to this budget according to a scale to be agreed upon by the Conference. Financial regulations, including the provisions on the budget and the scale of contributions as well as their modifications, shall be adopted by unanimous vote of the Parties present and voting.
5. At each of its meetings the Conference of the Parties shall review the implementation of this Convention and may in particular:



- a) review and assess the conservation status of migratory species;
  - b) review the progress made towards the conservation of migratory species, especially those listed in Appendices I and II;
  - c) make such provision and provide such guidance as may be necessary to enable the Scientific Council and the Secretariat to carry out their duties;
  - d) receive and consider any reports presented by the Scientific Council, the Secretariat, any Party or any standing body established pursuant to an Agreement;
  - e) make recommendations to the Parties for improving the conservation status of migratory species and review the progress being made under Agreements;
  - f) in those cases where an Agreement has not been concluded, make recommendations for the convening of meetings of the Parties that are Range States of a migratory species or group of migratory species to discuss measures to improve the conservation status of the species;
  - g) make recommendations to the Parties for improving the effectiveness of this Convention; and
  - h) decide on any additional measure that should be taken to implement the objectives of this Convention.
6. Each meeting of the Conference of the Parties should determine the time and venue of the next meeting.
7. Any meeting of the Conference of the Parties shall determine and adopt rules of procedure for that meeting. Decisions at a meeting of the Conference of the Parties shall require a two-thirds majority of the Parties present and voting, except where otherwise provided for by this Convention.
8. The United Nations, its specialised Agencies, the International Atomic Energy Agency, as well as any State not a party to this Convention and, for each Agreement, the body designated by the parties to that Agreement, may be represented by observers at meetings of the Conference of the Parties.
9. Any agency or body technically qualified in protection, conservation and management of migratory species, in the following categories, which has informed the Secretariat of its desire to be represented at meetings of the Conference of the Parties by observers, shall be admitted unless at least one-third of the Parties present object:
- a) international agencies or bodies, either governmental or non-governmental, and national governmental agencies and bodies; and
  - b) national non-governmental agencies or bodies which have been approved for this purpose by the State in which they are located.

Once admitted, these observers shall have the right to participate but not to vote.

#### *Article VIII* THE SCIENTIFIC COUNCIL

1. At its first meeting, the Conference of the Parties shall establish a Scientific Council to provide advice on scientific matters.
2. Any Party may appoint a qualified expert as a member of the Scientific Council. In addition, the Scientific Council shall include as members qualified experts selected and appointed by the Conference of the Parties; the number of these experts, the criteria for their selection and the terms of their appointments shall be as determined by the Conference of the Parties.
3. The Scientific Council shall meet at the request of the Secretariat as required by the Conference of the Parties.
4. Subject to the approval of the Conference of the Parties, the Scientific Council shall establish its own rules



of procedure.

5. The Conference of the Parties shall determine the functions of the Scientific Council, which may include:
  - a) providing scientific advice to the Conference of the Parties, to the Secretariat, and, if approved by the Conference of the Parties, to any body set up under this Convention or an Agreement or to any Party;
  - b) recommending research and the co-ordination of research on migratory species, evaluating the results of such research in order to ascertain the conservation status of migratory species and reporting to the Conference of the Parties on such status and measures for its improvement;
  - c) making recommendations to the Conference of the Parties as to the migratory species to be included in Appendices I and II, together with an indication of the range of such migratory species;
  - d) making recommendations to the Conference of the Parties as to specific conservation and management measures to be included in Agreements on migratory species; and
  - e) recommending to the Conference of the Parties solutions to problems relating to the scientific aspects of the implementation of this Convention, in particular with regard to the habitats of migratory species.

*Article IX*                    THE SECRETARIAT

1. For the purposes of this Convention a Secretariat shall be established.
2. Upon entry into force of this Convention, the Secretariat is provided by the Executive Director of the United Nations Environment Programme. To the extent and in the manner he considers appropriate, he may be assisted by suitable intergovernmental or non-governmental, international or national agencies and bodies technically qualified in protection, conservation and management of wild animals.
3. If the United Nations Environment Programme is no longer able to provide the Secretariat, the Conference of the Parties shall make alternative arrangements for the Secretariat.
4. The functions of the Secretariat shall be:
  - a) to arrange for and service meetings:
    - (i) of the Conference of the Parties, and
    - (ii) of the Scientific Council;
  - b) to maintain liaison with and promote liaison between the Parties, the standing bodies set up under Agreements and other international organisations concerned with migratory species;
  - c) to obtain from any appropriate source reports and other information which will further the objectives and implementation of this Convention and to arrange for the appropriate dissemination of such information;
  - d) to invite the attention of the Conference of the Parties to any matter pertaining to the objectives of this Convention;
  - e) to prepare for the Conference of the Parties reports on the work of the Secretariat and on the implementation of this Convention;
  - f) to maintain and publish a list of Range States of all migratory species included in Appendices I and II;
  - g) to promote, under the direction of the Conference of the Parties, the conclusion of Agreements,

- h) to maintain and make available to the Parties a list of Agreements and, if so required by the Conference of the Parties, to provide any information on such Agreements;
- i) to maintain and publish a list of the recommendations made by the Conference of the Parties pursuant to sub-paragraphs (e), (f) and (g) of paragraph 5 of Article VII or of decisions made pursuant to sub-paragraph (h) of that paragraph;
- j) to provide for the general public information concerning this Convention and its objectives; and
- k) to perform any other function entrusted to it under this Convention or by the Conference of the Parties.

*Article X* AMENDMENT OF THE CONVENTION

1. This Convention may be amended at any ordinary or extraordinary meeting of the Conference of the Parties.
2. Proposals for amendment may be made by any Party.
3. The text of any proposed amendment and the reasons for it shall be communicated to the Secretary at least one hundred and fifty days before the meeting at which it is to be considered and shall promptly be communicated by the Secretary to all Parties. Any comments on the text by the Parties shall be communicated to the Secretariat not less than sixty days before the meeting begins. The Secretariat shall, immediately after the last day for submission of comments, communicate to the Parties all comments submitted by that day.
4. Amendments shall be adopted by a two-thirds majority of Parties present and voting.
5. An amendment adopted shall enter into force for all Parties which have accepted it on the first day of the third month following the date on which two-thirds of the Parties have deposited an instrument of acceptance with the Depositary. For each Party which deposits an instrument of acceptance after the date on which two-thirds of the Parties have deposited an instrument of acceptance, the amendment shall enter into force for that Party on the first day of the third month following the deposit of its instrument of acceptance.

*Article XI* AMENDMENT OF THE APPENDICES

1. Appendices I and II may be amended at any ordinary or extraordinary meeting of the Conference of the Parties.
2. Proposals for amendment may be made by any Party.
3. The text of any proposed amendment and the reasons for it, based on the best scientific evidence available, shall be communicated to the Secretariat at least one hundred and fifty days before the meeting and shall promptly be communicated by the Secretariat to all Parties. Any comments on the text by the Parties shall be communicated to the Secretariat not less than sixty days before the meeting begins. The Secretariat shall, immediately after the last day for submission of comments, communicate to the Parties all comments submitted by that day.
4. Amendments shall be adopted by a two-thirds majority of Parties present and voting.
5. An amendment to the Appendices shall enter into force for all Parties ninety days after the meeting of the Conference of the Parties at which it was adopted, except for those Parties which make a reservation in accordance with paragraph 6 of this Article.
6. During the period of ninety days provided for in paragraph 5 of this Article, any Party may by notification in writing to the Depositary make a reservation with respect to the amendment. A reservation to an amendment may be withdrawn by written notification to the Depositary and thereupon the amendment shall enter into force for that Party ninety days after the reservation is withdrawn.



*Article XII* EFFECT ON INTERNATIONAL CONVENTIONS AND OTHER LEGISLATIONS

1. Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to Resolution 2750 C (XXV) of the General Assembly of the United Nations nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.
2. The provisions of this Convention shall in no way affect the rights or obligations of any Party deriving from any existing treaty, convention or Agreement.
3. The provisions of this Convention shall in no way affect the right of Parties to adopt stricter domestic measures concerning the conservation of migratory species listed in Appendices I and II or to adopt domestic measures concerning the conservation of species not listed in Appendices I and II.

*Article XIII* SETTLEMENT OF DISPUTES

1. Any dispute which may arise between two or more Parties with respect to the interpretation or application of the provisions of this Convention shall be subject to negotiation between the Parties involved in the dispute.
2. If the dispute cannot be resolved in accordance with paragraph 1 of this Article, the Parties may, by mutual consent, submit the dispute to arbitration, in particular that of the Permanent Court of Arbitration at The Hague, and the Parties submitting the dispute shall be bound by the arbitral decision.

*Article XIV* RESERVATIONS

1. The provisions of this Convention shall not be subject to general reservations. Specific reservations may be entered in accordance with the provisions of this Article and Article XI.
2. Any State or regional economic integration organisation may, on depositing its instrument of ratification, acceptance, approval or accession, enter a specific reservation with regard to the presence on either Appendix I or Appendix II or both, of any migratory species and shall then not be regarded as a Party in regard to the subject of that reservation until ninety days after the Depositary has transmitted to the Parties notification that such reservation has been withdrawn.

*Article XV* SIGNATURE

This Convention shall be open for signature at Bonn for all States and any regional economic integration organisation until the twenty-second day of June, 1980.

*Article XVI* RATIFICATION, ACCEPTANCE, APPROVAL

This Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Federal Republic of Germany, which shall be the Depositary.

*Article XVII* ACCESSION

After the twenty-second day of June 1980 this Convention shall be open for accession by all non-signatory States and any regional economic integration organisation. Instruments of accession shall be deposited with the Depositary.

*Article XVIII* ENTRY INTO FORCE

1. This Convention shall enter into force on the first day of the third month following the date of deposit of the



fifteenth instrument of ratification, acceptance, approval or accession with the Depositary.

2. For each State or each regional economic integration organisation which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fifteenth instrument of ratification, acceptance, approval or accession, this Convention shall enter into force on the first day of the third month following the deposit by such State or such organisation of its instrument of ratification, acceptance, approval or accession.

*Article XIX* DENUNCIATION

Any Party may denounce this Convention by written notification to the Depositary at any time. The denunciation shall take effect twelve months after the Depositary has received the notification.

*Article XX* DEPOSITARY

1. The original of this Convention, in the English, French, German, Russian and Spanish languages, each version being equally authentic, shall be deposited with the Depositary. The Depositary shall transmit certified copies of each of these versions to all States and all regional economic integration organisations that have signed the Convention or deposited instruments of accession to it.

2. The Depositary shall, after consultation with the Governments concerned, prepare official versions of the text of this Convention in the Arabic and Chinese languages.

3. The Depositary shall inform all signatory and acceding States and all signatory and acceding regional economic integration organisations and the Secretariat of signatures, deposit of instruments of ratification, acceptance, approval or accession, entry into force of this Convention, amendments thereto, specific reservations and notifications of denunciation.

4. As soon as this Convention enters into force, a certified copy thereof shall be transmitted by the Depositary to the Secretariat of the United Nations for registration and publication in accordance with Article 102 of the Charter of the United Nations.

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

Done at Bonn on 23 June 1979.

\*\*\*\*\*

**APPENDIX I**

**Interpretation**

1. Migratory species included in this Appendix are referred to:

- a) by the name of the species or subspecies; or
- b) as being all of the migratory species included in a higher taxon or designated part thereof.

2. Other references to taxa higher than species are for the purposes of information or classification only.

3. The abbreviation "(s.l.)" is used to denote that the scientific name is used in its extended meaning.

4. An asterisk (\*) placed against the name of a species indicates that the species or a separate population of that

species or a higher taxon which includes that species, is included in Appendix II.

*Mammalia*

CHIROPTERA

Molossidae *Tadarida brasiliensis*

PRIMATES

Pongidae *Gorilla gorilla beringei*

CETACEA

Balaenopteridae *Balaenoptera musculus*  
*Megaptera novaeangliae*

Balaenidae *Balaena mysticetus*  
*Eubalaena glacialis (s.l.)*  
*Eubalaena australis*

CARNIVORA

Felidae *Panthera uncia*

PINNIPEDIA

Phocidae *Monachus monachus\**

PERISSODACTYLA

Equidae *Equus grevyi*

ARTIODACTYLA

Camelidae *Lama vicugna\* (except Peruvian populations)*

Cervidae *Cervus elaphus barbarus*

Bovidae *Bos sauveli*

*Bos grunniens*

*Addax nasomaculatus*

*Gazella cuvieri*

*Gazella dama*

*Gazella dorcas (only Northwest African populations)*

*Gazella leptocerosa*

*Oryx dammah*

*Aves*

PROCELLARIIFORMES

Diomedidae *Diomedea albatrus*

Procellariidae *Pterodroma cahow*

*Pterodroma phaeopygia*

PELECANIFORMES

Pelecanidae *Pelecanus crispus\**

*Pelecanus onocrotalus (only Palearctic populations)*

CICONIIFORMES

Ardeidae *Egretta eulophotes*

Ciconiidae *Ciconia boyciana*

Threskiornithidae *Geronticus eremita*

ANSERIFORMES

Anatidae *Chloephaga rubidiceps\**

*Oxyura leucocephala*

FALCONIFORMES

Accipitridae *Haliaeetus albicilla\**  
*Haliaeetus pelagicus\**

GRUIFORMES

Gruidae *Grus japonensis\**  
*Grus leucogeranus\**  
*Grus nigricollis\**

Otididae *Chlamydotis undulata\** (only Northwest African populations)  
*Otis tarda\** (Middle-European populations)

CHARADRIIFORMES

Scolopacidae *Numenius borealis\**  
*Numenius tenuirostris\**

Laridae *Larus audouinii*  
*Larus leucophthalmus*  
*Larus relictus*  
*Larus saundersi*

Alcidae *Synthliboramphus wumizusume*

PASSERIFORMES

Parulidae *Dendroica kirtlandii*

Fringillidae *Serinus syriacus*

*Reptilia*

TESTUDINATA

Cheloniidae *Chelonia mydas\**  
*Caretta caretta\**  
*Eretmochelys imbricata*  
*Lepidochelys kempii\**  
*Lepidochelys olivacea\**

Dermochelyidae *Dermochelys coriacea\**

Pelomedusidae *Podocnemis expansa\** (only Upper Amazon populations)

CROCODYLIA

Gavialidae *Gavialis gangeticus*

*Pisces*

SILURIFORMES

Schilbeidae *Pangasianodon gigas*

APPENDIX II

Interpretation

1. Migratory species included in this Appendix are referred to:
  - (a) by the name of the species or subspecies; or
  - (b) as being all of the migratory species included in a higher taxon or designated part thereof.
2. Other references to taxa higher than species are for the purpose of information or classification only.
3. The abbreviation "(s.l)" is used to denote that the scientific name is used in its extended meaning.



4. The symbol (-) followed by a number placed against the name of a taxon indicates the exclusion from that taxon of designated geographically separate populations as follows:

-101 Peruvian populations

5. The symbol (+) followed by a number placed against the name of a species denotes that only designated geographically separate populations of that species are included in this Appendix, as follows:

+201 Northwest African populations

+202 African populations

+203 Upper Amazon populations

6. An asterisk (\*) placed against the name of a species or higher taxon indicates that the species or a separate population of that species or one or more species included in that higher taxon, are included in Appendix I.

*Mammalia*

CHIROPTERA

Rhinolophidae *R.spp. (only European populations)*

Vespertilionidae *V.spp. (only European populations)*

Molossidae *Tadarida teniotis*

CETACEA

Platanistidae *Platanista gangetica*

Pontoporiidae *Pontoporia blainvillei*

Iniidae *Inia geoffrensis*

Monodontidae *Delphinapterus leucas*

*Monodon monoceros*

Phocoenidae *Phocoena phocoena (only North and Baltic Sea populations)*

*Neophocaena phocaenoides*

*Phocoenoides dalli*

Delphinidae *Sousa chinensis*

*Sousa teuszii*

*Sotalia fluviatilis*

*Lagenorhynchus albirostris (only North and Baltic Sea populations)*

*Lagenorhynchus acutus (only North and Baltic Sea populations)*

*Lagenorhynchus australis*

*Grampus griseus (only North and Baltic Sea populations)*

*Tursiops truncatus (only North and Baltic Sea populations)*

*Delphinus delphis (only North and Baltic Sea populations)*

*Stenella attenuata (eastern tropical Pacific and Western Mediterranean populations)*

*Stenella longirostris (eastern tropical Pacific populations)*

*Stenella coeruleoalba (eastern tropical Pacific and Western Mediterranean populations)*

*Delphinus delphis (North and Baltic Sea, western Mediterranean, Balck Sea and eastern tropical Pacific populations)*

*Orcaella brevirostris*

*Cephalorhynchus commersonii (South American populations)*

*Cephalorhynchus heavisidii*

Delphinidae *Orcinus orca (eastern North Atlantic and easyern North Pacific populations)*

*Globicephala melas (only North and Baltic Sea populations)*

Zihiidae *Beraardius bairdii*

*hyperoodon ampullatus*

PINNIPEDIA

Phocidae *Phoca vitulina (only Baltic and Wadden Sea populations)*

*Halichoerus grypus (only Baltic Sea populations)*

*Monachus monachus\**

PROBOSCIDAE

Elephantidae *Loxodonta africana*

SIRENIA

Dugongidae *Dugong dugon*

ARTIODACTYLA

Camelidae *Vicugna vicugna*\* 2/

Bovidae *Oryx dammah*\*

*Gazella gazella* (only Asian populations)

*Aves*

GAVIIFORMS

Gaviidae *Gavia stellate* (western Palearctic populations)

*Gavia arctica arctica*

*Gavia arctica suschkini* (northwestern European populations)

*Gavia adamsii* (Western Palearctic populations)

PODICIPEDIFORMS

Podicipedidae *Podiceps grisegena grisegena*

*Podiceps auritus* (Western Palearctic populations)

PELECANIFORMES

Phalacrocoracidae *Phalacrocorax nigrigularis*

*Phalacrocorax pygmaeus*

Pelecanidae *Pelecanus onocrotalus* (Western Palearctic populations)

*Pelecanus crispus*\*

CICONIIFORMES

Ardeidae *Botarus stellaris stellaris* (Western Palearctic populations)

*Ixobrychus minutus minutus* (Western Palearctic populations)

*Ixobrychus srurmii*

*Ardeola ruffiventris*

*Ardeola idae*

*Egretta vinaceigula*

*Casmerodius albus albus* (Western Palearctic populations)

*Ardea purpurea purpurea* (populations breeding in the Western Palearctic)

Ciconiidae

*Mycteria ibid*

*Ciconia nigra*

*Ciconia episcopus microscelis*

*Cicignia ciconia*

*Ciconia ciconia*

Theskiornithidae

*Plegadis falcinellus*

*Geronticus eremita*

*Threskiornis aethiopicus aethiopicus*

*Platalea alba* (excluding Malagasy populations)

*Platalea leucorodia*

*Plegadis falcinellus*

Phoenicopteridae

Ph.spp.

ANSERIFORMES

Anatidae *A.spp.*\*

FALCONIFORMES

Cathartidae *C.spp.*

Pandionidae *Pandion haliaetus*

Accipitridae	<i>A.spp.*</i>
Falconidae	<i>F.spp.</i>
<b>GALLIFORMES</b>	
Phasianidae	<i>Coturnix coturnix coturnix</i>
<b>GRUIFORMES</b>	
Rallidae	<i>Porzana porzana</i> <i>Porzana parva parva</i> <i>Porzana pusilla intermedia</i> <i>Fulica atra atra (Mediterranean and Black Sea populations)</i> <i>Aenigmatolimnas marginalis</i>
Gruidae	<i>Gruss spp.*</i> <i>Anthropoides virgo</i>
Otididae	<i>Chlamydotis undulata* (only Asian populations)</i> <i>Otis tarda</i>
<b>CHARADRIIFORMES</b>	
Dromadidae	<i>dromas ardeola</i>
Charadriidae	<i>C.spp.</i>
Scolopacidae	<i>S.spp.*</i>
Recurvirostridae	<i>R.spp.</i>
Phalaropodidae	<i>P.spp.</i>
Burhinidae	<i>Burhinus oedicnemus</i>
Glareolidae	<i>Glareola pratincola Glareola nordmanni</i>
Laridae	<i>Larus hemprichii</i> <i>Laruc leucophthalmus</i> <i>Larus ichthyaetus (West Eurasian and African populations)</i> <i>Larus melanocephalus</i> <i>Larus genei</i> <i>Larus audouinii*</i> <i>Larus armenicus</i>
Sternidae	<i>Sterna nilotica nilotica (West Eurasian and African populations)</i> <i>Sterna maxima albidorsalis</i> <i>Sterna caspia (West Eurasian and African populations)</i> <i>Sterna bergii (African and Southwest Asan populations)</i> <i>Sterna begnalensis (African and Southwest Asan populations)</i> <i>Sterna bengalensis (African and Southwest Asan populations)</i> <i>Sterna sandvicensis sandvicensis</i> <i>Sterna dougallii (Atlantic populations)</i> <i>Sterna hirundp hirundo (populations breeding in the Western Palearctic)</i> <i>Sterna paradisaea (Atlantic populations)</i> <i>Sterna albifrons</i> <i>Sterna saundersi</i> <i>Sterna balaenarum</i> <i>Sterna repressa</i> <i>Chlidonias niger niger</i> <i>chlidonias leucopterus (West Euroasian and African populations)</i>
<b>CORACIIFORMES</b>	
Meropidae	<i>Merops apiaster</i>
Caraciidae	<i>Coracias garrulus</i>
<b>PASSERIFORMES</b>	
Muscicapidae	<i>M.(s.l.) spp.</i>



*Reptilia*

TESTUDINATA

- Cheloniidae      *C.spp.\**
- Dermochelidae      *D.spp.\**
- Pelomedusidae      *Podocnemis expansa\**

CROCODYLIA

- Crocodylidae      *Crocodylus porosus*

*Pisces*

ACIPENSERIFORMES

- Acipenseridae      *Acipenser fulvescens*

*Insecta*

LEPIDOPTERA

- Danaidae      *Danaus plexippus*

**UNITED NATIONS CONVENTION ON THE LAW OF THE SEA**  
(Chapter 1 and 12)

Adopted at Montego Bay, Jamaica, 10 December 1982

**PREAMBLE**

The States Parties to this Convention,

*Prompted* by the desire to settle, in a spirit of mutual understanding and co-operation, all issues relating to the law of the sea and aware of the historic significance of this Convention as an important contribution to the maintenance of peace, justice and progress for all peoples of the world,

*Noting* that developments since the United Nations Conferences on the Law of the Sea held at Geneva in 1958 and 1960 have accentuated the need for a new and generally acceptable Convention on the law of the sea,

*Conscious* that the problems of ocean space are closely interrelated and need to be considered as a whole,

*Recognising* the desirability of establishing through this Convention, with due regard for the sovereignty of all States, a legal order for the seas and oceans which will facilitate international communication, and will promote the peaceful uses of the seas and oceans, the equitable and efficient utilisation of their resources, the conservation of their living resources, and the study, protection and preservation of the marine environment,

*Bearing* in mind that the achievement of these goals will contribute to the realisation of a just and equitable international economic order which takes into account the interests and needs of mankind as a whole and, in particular, the special interests and needs of developing countries, whether coastal or land-locked,

*Desiring* by this Convention to develop the principles embodied in resolution 2749 (XXV) of 17 December 1970 in which the General Assembly of the United Nations solemnly declared inter alia that the area of the sea-bed and ocean floor and the subsoil thereof, beyond the limits of national jurisdiction, as well as its resources, are the common heritage of mankind, the exploration and exploitation of which shall be carried out for the benefit of mankind as a whole, irrespective of the geographical location of States,

*Believing* that the codification and progressive development of the law of the sea achieved in this Convention will contribute to the strengthening of peace, security, co-operation and friendly relations among all nations in conformity with the principles of justice and equal rights and will promote the economic and social advancement of all peoples of the world, in accordance with the Purposes and Principles of the United Nations as set forth in the Charter,

*Affirming* that matters not regulated by this Convention continue to be governed by the rules and principles of general international law,

Have agreed as follows:

**PART I: INTRODUCTION**

*Article 1*      USE OF TERMS AND SCOPE

1. For the purposes of this Convention:

- (1) "Area" means the sea-bed and ocean floor and subsoil thereof beyond the limits of national jurisdiction;
- (2) "Authority" means the International Sea-Bed Authority;

- (3) "activities in the Area" means all activities of exploration for, and exploitation of, the resources of the Area;
- (4) "pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities;
- (5) (a) "dumping" means:
- (i) any deliberate disposal of wastes or other matter from vessels, aircraft, platforms or other man-made structures at sea;
  - (ii) any deliberate disposal of vessels, aircraft, platforms or other man-made structures at sea
- (b) "dumping" does not include:
- (i) the disposal of wastes or other matter incidental to, or derived from the normal operations of vessels, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to vessels, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;
  - (ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.
2. (1) "States Parties" means States which have consented to be bound by this Convention and for which this Convention is in force.
- (2) This Convention applies *mutatis mutandis* to the entities referred to in article 305, paragraph 1(b), (c), (d), (e) and (f), which become Parties to this Convention in accordance with the conditions relevant to each, and to that extent "States Parties" refers to those entities.

## PART XII

### PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

#### SECTION 1: GENERAL PROVISIONS

##### *Article 192* GENERAL OBLIGATION

States have the obligation to protect and preserve the marine environment.

##### *Article 193* SOVEREIGN RIGHT OF STATES TO EXPLOIT THEIR NATURAL RESOURCES

States have the sovereign right to exploit their natural resources pursuant to their environmental policies and in accordance with their duty to protect and preserve the marine environment.

##### *Article 194* MEASURES TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT

1. States shall take, individually or jointly as appropriate, all measures consistent with this Convention that are necessary to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities, and they shall endeavour to harmonise their policies in this connection.



2. States shall take all measures necessary to ensure that activities under their jurisdiction or control are so conducted as not to cause damage by pollution to other States and their environment, and that pollution arising from incidents or activities under their jurisdiction or control does not spread beyond the areas where they exercise sovereign rights in accordance with this Convention.

3. The measures taken pursuant to this Part shall deal with all sources of pollution of the marine environment. These measures shall include, inter alia, those designed to minimise to the fullest possible extent:

- (a) the release of toxic, harmful or noxious substances, especially those which are persistent, from land-based sources, from or through the atmosphere or by dumping;
- (b) pollution from vessels, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, preventing intentional and unintentional discharges, and regulating the design, construction, equipment, operation and manning of vessels;
- (c) pollution from installations and devices used in exploration or exploitation of the natural resources of the sea-bed and subsoil, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices;
- (d) pollution from other installations and devices operating in the marine environment, in particular measures for preventing accidents and dealing with emergencies, ensuring the safety of operations at sea, and regulating the design, construction, equipment, operation and manning of such installations or devices.

4. In taking measures to prevent, reduce or control pollution of the marine environment, States shall refrain from unjustifiable interference with activities carried out by other States in the exercise of their rights and in pursuance of their duties in conformity with this Convention.

5. The measures taken in accordance with this Part shall include those necessary to protect and preserve rare or fragile ecosystems as well as the habitat of depleted, threatened or endangered species and other forms of marine life.

*Article 195* DUTY NOT TO TRANSFER DAMAGE OR HAZARDS OR TRANSFORM ONE TYPE OF POLLUTION INTO ANOTHER

In taking measures to prevent, reduce and control pollution of the marine environment, States shall act so as not to transfer, directly or indirectly, damage or hazards from one area to another or transform one type of pollution into another.

*Article 196* USE OF TECHNOLOGIES OR INTRODUCTION OF ALIEN OR NEW SPECIES

1. States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto.

2. This article does not affect the application of this Convention regarding the prevention, reduction and control of pollution of the marine environment.

## SECTION 2: GLOBAL AND REGIONAL CO-OPERATION

### *Article 197* CO-OPERATION ON A GLOBAL OR REGIONAL BASIS

States shall co-operate on a global basis and, as appropriate, on a regional basis, directly or through competent international organisations, in formulating and elaborating international rules, standards and recommended practices and procedures consistent with this Convention, for the protection and preservation of the marine environment, taking into account characteristic regional features.

### *Article 198* NOTIFICATION OF IMMINENT OR ACTUAL DAMAGE

When a State becomes aware of cases in which the marine environment is in imminent danger of being damaged or has been damaged by pollution, it shall immediately notify other States it deems likely to be affected by such damage, as well as the competent international organisations.

### *Article 199* CONTINGENCY PLANS AGAINST POLLUTION

In the cases referred to in article 198, States in the area affected, in accordance with their capabilities, and the competent international organisations shall co-operate, to the extent possible, in eliminating the effects of pollution and preventing or minimising the damage. To this end, States shall jointly develop and promote contingency plans for responding to pollution incidents in the marine environment.

### *Article 200* STUDIES, RESEARCH PROGRAMMES AND EXCHANGE OF INFORMATION AND DATA

States shall co-operate, directly or through competent international organisations, for the purpose of promoting studies, undertaking programmes of scientific research and encouraging the exchange of information and data acquired about pollution of the marine environment. They shall endeavour to participate actively in regional and global programmes to acquire knowledge for the assessment of the nature and extent of pollution, exposure to it, and its pathways, risks and remedies.

### *Article 201* SCIENTIFIC CRITERIA FOR REGULATIONS

In the light of the information and data acquired pursuant to article 200, States shall co-operate, directly or through competent international organisations, in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment.

## SECTION 3: TECHNICAL ASSISTANCE

### *Article 202* SCIENTIFIC AND TECHNICAL ASSISTANCE TO DEVELOPING STATES

States shall, directly or through competent international organisations:

- (a) promote programmes of scientific, educational, technical and other assistance to developing States for the protection and preservation of the marine environment and the prevention, reduction and control of marine pollution. Such assistance shall include, inter alia:
  - (i) training of their scientific and technical personnel;
  - (ii) facilitating their participation in relevant international programmes;



- (iii) supplying them with necessary equipment and facilities;
- (iv) enhancing their capacity to manufacture such equipment;
- (v) advice on and developing facilities for research, monitoring, educational and other programmes;
- (b) provide appropriate assistance, especially to developing States, for the minimisation of the effects of major incidents which may cause serious pollution of the marine environment;
- (c) provide appropriate assistance, especially to developing States, concerning the preparation of environmental assessments.

*Article 203*      **PREFERENTIAL TREATMENT FOR DEVELOPING STATES**

Developing States shall, for the purposes of prevention, reduction and control of pollution of the marine environment or minimisation of its effects, be granted preference by international organisations in:

- (a) the allocation of appropriate funds and technical assistance; and
- (b) the utilization of their specialised services.

**SECTION 4: MONITORING AND ENVIRONMENTAL ASSESSMENT**

*Article 204*      **MONITORING OF THE RISKS OR EFFECTS OF POLLUTION**

1. States shall, consistent with the rights of other States, endeavour, as far as practicable, directly or through the competent international organisations, to observe, measure, evaluate and analyse, by recognised scientific methods, the risks or effects of pollution of the marine environment.
2. In particular, States shall keep under surveillance the effects of any activities which they permit or in which they engage in order to determine whether these activities are likely to pollute the marine environment.

*Article 205*      **PUBLICATION OF REPORTS**

States shall publish reports of the results obtained pursuant to article 204 or provide such reports at appropriate intervals to the competent international organisations, which should make them available to all States.

*Article 206*      **ASSESSMENT OF POTENTIAL EFFECTS OF ACTIVITIES**

When States have reasonable grounds for believing that planned activities under their jurisdiction or control may cause substantial pollution of or significant and harmful changes to the marine environment, they shall, as far as practicable, assess the potential effects of such activities on the marine environment and shall communicate reports of the results of such assessments in the manner provided in article 205.

**SECTION 5: INTERNATIONAL RULES AND NATIONAL LEGISLATION TO PREVENT, REDUCE AND CONTROL POLLUTION OF THE MARINE ENVIRONMENT**

*Article 207*      **POLLUTION FROM LAND-BASED SOURCES**

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from land-based sources, including rivers, estuaries, pipelines and outfall structures, taking into account internationally agreed rules, standards and recommended practices and procedures.



2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. States shall endeavour to harmonise their policies in this connection at the appropriate regional level.
4. States, acting especially through competent international organisations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment from land-based sources, taking into account characteristic regional features, the economic capacity of developing States and their need for economic development. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.
5. Laws, regulations, measures, rules, standards and recommended practices and procedures referred to in paragraphs 1, 2 and 4 shall include those designed to minimise, to the fullest extent possible, the release of toxic, harmful or noxious substances, especially those which are persistent, into the marine environment.

*Article 208* POLLUTION FROM SEA-BED ACTIVITIES SUBJECT TO NATIONAL JURISDICTION

1. Coastal States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment arising from or in connection with sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.
2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. Such laws, regulations and measures shall be no less effective than international rules, standards and recommended practices and procedures.
4. States shall endeavour to harmonise their policies in this connection at the appropriate regional level.
5. States, acting especially through competent international organisations or diplomatic conference, shall establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control pollution of the marine environment referred to in paragraph 1. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.

*Article 209* POLLUTION FROM ACTIVITIES IN THE AREA

1. International rules, regulations and procedures shall be established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area. Such rules, regulations and procedures shall be re-examined from time to time as necessary.
2. Subject to the relevant provisions of this section, States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from activities in the Area undertaken by vessels, installations, structures and other devices flying their flag or of their registry or operating under their authority, as the case may be. The requirements of such laws and regulations shall be no less effective than the international rules, regulations and procedures referred to in paragraph 1.

*Article 210* POLLUTION BY DUMPING

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment by dumping.
2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. Such laws, regulations and measures shall ensure that dumping is not carried out without the permission of the competent authorities of States.



4. States, acting especially through competent international organisations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution. Such rules, standards and recommended practices and procedures shall be re-examined from time to time as necessary.
5. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf shall not be carried out without the express prior approval of the coastal State, which has the right to permit, regulate and control such dumping after due consideration of the matter with other States which by reason of their geographical situation may be adversely affected thereby.
6. National laws, regulations and measures shall be no less effective in preventing, reducing and controlling such pollution than the global rules and standards.

*Article 211*

POLLUTION FROM VESSELS

1. States, acting through the competent international organisation or general diplomatic conference, shall establish international rules and standards to prevent, reduce and control pollution of the marine environment from vessels and promote the adoption, in the same manner, wherever appropriate, of routing systems designed to minimise the threat of accidents which might cause pollution of the marine environment, including the coastline, and pollution damage to the related interests of coastal States. Such rules and standards shall, in the same manner, be re-examined from time to time as necessary.
2. States shall adopt laws and regulations for the prevention, reduction and control of pollution of the marine environment from vessels flying their flag or of their registry. Such laws and regulations shall at least have the same effect as that of generally accepted international rules and standards established through the competent international organisation or general diplomatic conference.
3. States which establish particular requirements for the prevention, reduction and control of pollution of the marine environment as a condition for the entry of foreign vessels into their ports or internal waters or for a call at their off-shore terminals shall give due publicity to such requirements and shall communicate them to the competent international organisation. Whenever such requirements are established in identical form by two or more coastal States in an endeavour to harmonise policy, the communication shall indicate which States are participating in such co-operative arrangements. Every State shall require the master of a vessel flying its flag or of its registry, when navigating within the territorial sea of a State participating in such co-operative arrangements, to furnish, upon the request of that State, information as to whether it is proceeding to a State of the same region participating in such co-operative arrangements and, if so, to indicate whether it complies with the port entry requirements of that State. This article is without prejudice to the continued exercise by a vessel of its right of innocent passage or to the application of article 25, paragraph 2.
4. Coastal States may, in the exercise of their sovereignty within their territorial sea, adopt laws and regulations for the prevention, reduction and control of marine pollution from foreign vessels, including vessels exercising the right of innocent passage. Such laws and regulations shall, in accordance with Part II, section 3, not hamper innocent passage of foreign vessels.
5. Coastal States, for the purpose of enforcement as provided for in section 6, may in respect of their exclusive economic zones adopt laws and regulations for the prevention, reduction and control of pollution from vessels conforming to and giving effect to generally accepted international rules and standards established through the competent international organisation or general diplomatic conference.
- 6.(a) Where the international rules and standards referred to in paragraph 1 are inadequate to meet special circumstances and coastal States have reasonable grounds for believing that a particular, clearly defined area of their respective exclusive economic zones is an area where the adoption of special mandatory measures for the prevention of pollution from vessels is required for recognised technical reasons in relation to its oceanographically and biological conditions, as well as its utilisation or the protection of its resources and the particular character of its traffic, the coastal States, after appropriate consultations through the competent international organisation with any other States concerned, may, for that area, direct a communication to that organisation, submitting scientific and technical evidence in support and



information on necessary reception facilities. Within 12 months after receiving such a communication, the organisation shall determine whether the conditions in that area correspond to the requirements set out above. If the organisation so determines, the coastal States may, for that area, adopt laws and regulations for the prevention, reduction and control of pollution from vessels implementing such international rules and standards or navigational practices as are made applicable, through the organisation, for special areas. These laws and regulations shall not become applicable to foreign vessels until 15 months after the submission of the communication to the organisation.

- (b) The coastal States shall publish the limits of any such particular, clearly defined area.
- (c) If the coastal States intend to adopt additional laws and regulations for the same area for the prevention, reduction and control of pollution from vessels, they shall, when submitting the aforesaid communication, at the same time notify the organisation thereof. Such additional laws and regulations may relate to discharges or navigational practices but shall not require foreign vessels to observe design, construction, manning or equipment standards other than generally accepted international rules and standards; they shall become applicable to foreign vessels 15 months after the submission of the communication to the organisation, provided that the organisation agrees within 12 months after the submission of the communication.

7. The international rules and standards referred to in this article should include inter alia those relating to prompt notification to coastal States, whose coastline or related interests may be affected by incidents, including maritime casualties, which involve discharges or probability of discharges.

#### *Article 212* POLLUTION FROM OR THROUGH THE ATMOSPHERE

1. States shall adopt laws and regulations to prevent, reduce and control pollution of the marine environment from or through the atmosphere, applicable to the air space under their sovereignty and to vessels flying their flag or vessels or aircraft of their registry, taking into account internationally agreed rules standards and recommended practices and procedures and the safety of air navigation.
2. States shall take other measures as may be necessary to prevent, reduce and control such pollution.
3. States, acting especially through competent international organisations or diplomatic conference, shall endeavour to establish global and regional rules, standards and recommended practices and procedures to prevent, reduce and control such pollution.

### SECTION 6: ENFORCEMENT

#### *Article 213* ENFORCEMENT WITH RESPECT TO POLLUTION FROM LAND-BASED SOURCES

States shall enforce their laws and regulations adopted in accordance with article 207 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organisations or diplomatic conference to prevent, reduce and control pollution of the marine environment from land-based sources.

#### *Article 214* ENFORCEMENT WITH RESPECT TO POLLUTION FROM SEA-BED ACTIVITIES

States shall enforce their laws and regulations adopted in accordance with article 208 and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organisations or diplomatic conference to prevent, reduce and control pollution of the marine environment arising from or in connection with sea-bed activities subject to their jurisdiction and from artificial islands, installations and structures under their jurisdiction, pursuant to articles 60 and 80.



*Article 215* ENFORCEMENT WITH RESPECT TO POLLUTION FROM ACTIVITIES IN THE AREA

Enforcement of international rules, regulations and procedures established in accordance with Part XI to prevent, reduce and control pollution of the marine environment from activities in the Area shall be governed by that Part.

*Article 216* ENFORCEMENT WITH RESPECT TO POLLUTION BY DUMPING

1. Laws and regulations adopted in accordance with this Convention and applicable international rules and standards established through competent international organisations or diplomatic conference for the prevention, reduction and control of pollution of the marine environment by dumping shall be enforced:

- (a) by the coastal State with regard to dumping within its territorial sea or its exclusive economic zone or onto its continental shelf;
- (b) by the flag State with regard to vessels flying its flag or vessels or aircraft of its registry;
- (c) by any State with regard to acts of loading of wastes or other matter occurring within its territory or at its off-shore terminals.

2. No State shall be obliged by virtue of this article to institute proceedings when another State has already instituted proceedings in accordance with this article.

*Article 217* ENFORCEMENT BY FLAG STATES

1. States shall ensure compliance by vessels flying their flag or of their registry with applicable international rules and standards, established through the competent international organisation or general diplomatic conference, and with their laws and regulations adopted in accordance with this Convention for the prevention, reduction and control of pollution of the marine environment from vessels and shall accordingly adopt laws and regulations and take other measures necessary for their implementation. Flag States shall provide for the effective enforcement of such rules, standards, laws and regulations, irrespective of where a violation occurs.

2. States shall, in particular, take appropriate measures in order to ensure that vessels flying their flag or of their registry are prohibited from sailing, until they can proceed to sea in compliance with the requirements of the international rules and standards referred to in paragraph 1, including requirements in respect of design, construction, equipment and manning of vessels.

3. States shall ensure that vessels flying their flag or of their registry carry on board certificates required by and issued pursuant to international rules and standards referred to in paragraph 1. States shall ensure that vessels flying their flag are periodically inspected in order to verify that such certificates are in conformity with the actual condition of the vessels. These certificates shall be accepted by other States as evidence of the condition of the vessels and shall be regarded as having the same force as certificates issued by them, unless there are clear grounds for believing that the condition of the vessel does not correspond substantially with the particulars of the certificates.

4. If a vessel commits a violation of rules and standards established through the competent international organisation or general diplomatic conference, the flag State, without prejudice to articles 218, 220 and 228, shall provide for immediate investigation and where appropriate institute proceedings in respect of the alleged violation irrespective of where the violation occurred or where the pollution caused by such violation has occurred or has been spotted.

5. Flag States conducting an investigation of the violation may request the assistance of any other State whose co-operation could be useful in clarifying the circumstances of the case. States shall endeavour to meet appropriate requests of flag States.

6. States shall, at the written request of any State, investigate any violation alleged to have been committed by vessels flying their flag. If satisfied that sufficient evidence is available to enable proceedings to be brought in



respect of the alleged violation, flag States shall without delay institute such proceedings in accordance with their laws.

7. Flag States shall promptly inform the requesting State and the competent international organisation of the action taken and its outcome. Such information shall be available to all States.

8. Penalties provided for by the laws and regulations of States for vessels flying their flag shall be adequate in severity to discourage violations wherever they occur.

*Article 218* ENFORCEMENT BY PORT STATES

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may undertake investigations and, where the evidence so warrants, institute proceedings in respect of any discharge from that vessel outside the internal waters, territorial sea or exclusive economic zone of that State in violation of applicable international rules and standards established through the competent international organisation or general diplomatic conference.

2. No proceedings pursuant to paragraph 1 shall be instituted in respect of a discharge violation in the internal waters, territorial sea or exclusive economic zone of another State unless requested by that State, the flag State, or a State damaged or threatened by the discharge violation, or unless the violation has caused or is likely to cause pollution in the internal waters, territorial sea or exclusive economic zone of the State instituting the proceedings.

3. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State shall, as far as practicable, comply with requests from any State for investigation of a discharge violation referred to in paragraph 1, believed to have occurred in, caused, or threatened damage to the internal waters, territorial sea or exclusive economic zone of the requesting State. It shall likewise, as far as practicable, comply with requests from the flag State for investigation of such a violation, irrespective of where the violation occurred.

4. The records of the investigation carried out by a port State pursuant to this article shall be transmitted upon request to the flag State or to the coastal State. Any proceedings instituted by the port State on the basis of such an investigation may, subject to section 7, be suspended at the request of the coastal State when the violation has occurred within its internal waters, territorial sea or exclusive economic zone. The evidence and records of the case, together with any bond or other financial security posted with the authorities of the port State, shall in that event be transmitted to the coastal State. Such transmittal shall preclude the continuation of proceedings in the port State.

*Article 219* MEASURES RELATING TO SEAWORTHINESS OF VESSELS TO AVOID POLLUTION

Subject to section 7, States which, upon request or on their own initiative, have ascertained that a vessel within one of their ports or at one of their offshore terminals is in violation of applicable international rules and standards relating to seaworthiness of vessels and thereby threatens damage to the marine environment shall, as far as practicable, take administrative measures to prevent the vessel from sailing. Such States may permit the vessel to proceed only to the nearest appropriate repair yard and, upon removal of the causes of the violation, shall permit the vessel to continue immediately.

*Article 220* ENFORCEMENT BY COASTAL STATES

1. When a vessel is voluntarily within a port or at an off-shore terminal of a State, that State may, subject to section 7, institute proceedings in respect of any violation of its laws and regulations adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels when the violation has occurred within the territorial sea or the exclusive economic zone of that State.

2. Where there are clear grounds for believing that a vessel navigating in the territorial sea of a State has, during its passage therein, violated laws and regulations of that State adopted in accordance with this Convention or applicable international rules and standards for the prevention, reduction and control of pollution from vessels,



that State, without prejudice to the application of the relevant provisions of Part II, section 3, may undertake physical inspection of the vessel relating to the violation and may, where the evidence so warrants institute proceedings, including detention of the vessel, in accordance with its laws, subject to the provisions of section 7.

3. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation of applicable international rules and standards for the prevention, reduction and control of pollution from vessels or laws and regulations of that State conforming and giving effect to such rules and standards, that State may require the vessel to give information regarding its identity and port of registry, its last and its next port of call and other relevant information required to establish whether a violation has occurred.

4. States shall adopt laws and regulations and take other measures so that vessels flying their flag comply with requests for information pursuant to paragraph 3.

5. Where there are clear grounds for believing that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a substantial discharge causing or threatening significant pollution of the marine environment, that State may undertake physical inspection of the vessel for matters relating to the violation if the vessel has refused to give information or if the information supplied by the vessel is manifestly at variance with the evident factual situation and if the circumstances of the case justify such inspection.

6. Where there is clear objective evidence that a vessel navigating in the exclusive economic zone or the territorial sea of a State has, in the exclusive economic zone, committed a violation referred to in paragraph 3 resulting in a discharge causing major damage or threat of major damage to the coastline or related interests of the coastal State, or to any resources of its territorial sea or exclusive economic zone, that State may, subject to section 7, provided that the evidence so warrants, institute proceedings, including detention of the vessel, in accordance with its laws.

7. Notwithstanding the provisions of paragraph 6, whenever appropriate procedures have been established, either through the competent international organisation or as otherwise agreed, whereby compliance with requirements for bonding or other appropriate financial security has been assured, the coastal State if bound by such procedures shall allow the vessel to proceed.

8. The provisions of paragraphs 3, 4, 5, 6 and 7 also apply in respect of national laws and regulations adopted pursuant to article 211, paragraph 6.

#### *Article 221* MEASURES TO AVOID POLLUTION ARISING FROM MARITIME CASUALTIES

1. Nothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. For the purposes of this article, "maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo.

#### *Article 222* ENFORCEMENT WITH RESPECT TO POLLUTION FROM OR THROUGH THE ATMOSPHERE

States shall enforce, within the air space under their sovereignty or with regard to vessels flying their flag or vessels or aircraft of their registry, their laws and regulations adopted in accordance with article 212, paragraph 1, and with other provisions of this Convention and shall adopt laws and regulations and take other measures necessary to implement applicable international rules and standards established through competent international organisations or diplomatic conference to prevent, reduce and control pollution of the marine environment from or through the



atmosphere, in conformity with all relevant international rules and standards concerning the safety of air navigation.

## SECTION 7: SAFEGUARDS

### *Article 223* MEASURES TO FACILITATE PROCEEDINGS

In proceedings instituted pursuant to this Part, States shall take measures to facilitate the hearing of witnesses and the admission of evidence submitted by authorities of another State, or by the competent international organisation, and shall facilitate the attendance at such proceedings of official representatives of the competent international organisation, the flag State and any State affected by pollution arising out of any violation. The official representatives attending such proceedings shall have such rights and duties as may be provided under national laws and regulations or international law.

### *Article 224* EXERCISE OF POWERS OF ENFORCEMENT

The powers of enforcement against foreign vessels under this Part may only be exercised by officials or by warships, military aircraft, or other ships or aircraft clearly marked and identifiable as being on government service and authorised to that effect.

### *Article 225* DUTY TO AVOID ADVERSE CONSEQUENCES IN THE EXERCISE OF THE POWERS OF ENFORCEMENT

In the exercise under this Convention of their powers of enforcement against foreign vessels, States shall not endanger the safety of navigation or otherwise create any hazard to a vessel, or bring it to an unsafe port or anchorage, or expose the marine environment to an unreasonable risk.

### *Article 226* INVESTIGATION OF FOREIGN VESSELS

1. (a) States shall not delay a foreign vessel longer than is essential for purposes of the investigations provided for in articles 216, 218 and 220. Any physical inspection of a foreign vessel shall be limited to an examination of such certificates, records or other documents as the vessel is required to carry by generally accepted international rules and standards or of any similar documents which it is carrying; further physical inspection of the vessel may be undertaken only after such an examination and only when:

- (i) there are clear grounds for believing that the condition of the vessel or its equipment does not correspond substantially with the particulars of those documents;
- (ii) the contents of such documents are not sufficient to confirm or verify a suspected violation; or
- (iii) the vessel is not carrying valid certificates and records.

(b) If the investigation indicates a violation of applicable laws and regulations or international rules and standards for the protection and preservation of the marine environment, release shall be made promptly subject to reasonable procedures such as bonding or other appropriate financial security.

(c) Without prejudice to applicable international rules and standards relating to the seaworthiness of vessels, the release of a vessel may, whenever it would present an unreasonable threat of damage to the marine environment, be refused or made conditional upon proceeding to the nearest appropriate repair yard. Where release has been refused or made conditional, the flag State of the vessel must be promptly notified, and may seek release of the vessel in accordance with Part XV.

2. States shall co-operate to develop procedures for the avoidance of unnecessary physical inspection of vessels at sea.

*Article 227* NON-DISCRIMINATION WITH RESPECT TO FOREIGN VESSELS

In exercising their rights and performing their duties under this Part, States shall not discriminate in form or in fact against vessels of any other State.

*Article 228* SUSPENSION AND RESTRICTIONS ON INSTITUTION OF PROCEEDINGS

1. Proceedings to impose penalties in respect of any violation of applicable laws and regulations or international rules and standards relating to the prevention, reduction and control of pollution from vessels committed by a foreign vessel beyond the territorial sea of the State instituting proceedings shall be suspended upon the taking of proceedings to impose penalties in respect of corresponding charges by the flag State within six months of the date on which proceedings were first instituted, unless those proceedings relate to a case of major damage to the coastal State or the flag State in question has repeatedly disregarded its obligation to enforce effectively the applicable international rules and standards in respect of violations committed by its vessels. The flag State shall in due course make available to the State previously instituting proceedings a full dossier of the case and the records of the proceedings, whenever the flag State has requested the suspension of proceedings in accordance with this article. When proceedings instituted by the flag State have been brought to a conclusion, the suspended proceedings shall be terminated. Upon payment of costs incurred in respect of such proceedings, any bond posted or other financial security provided in connection with the suspended proceedings shall be released by the coastal State.

2. Proceedings to impose penalties on foreign vessels shall not be instituted after the expiry of three years from the date on which the violation was committed, and shall not be taken by any State in the event of proceedings having been instituted by another State subject to the provisions set out in paragraph 1.

3. The provisions of this article are without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws irrespective of prior proceedings by another State.

*Article 229* INSTITUTION OF CIVIL PROCEEDINGS

Nothing in this Convention affects the institution of civil proceedings in respect of any claim for loss or damage resulting from pollution of the marine environment.

*Article 230* MONETARY PENALTIES AND THE OBSERVANCE OF RECOGNIZED RIGHTS OF THE ACCUSED

1. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels beyond the territorial sea.

2. Monetary penalties only may be imposed with respect to violations of national laws and regulations or applicable international rules and standards for the prevention, reduction and control of pollution of the marine environment, committed by foreign vessels in the territorial sea, except in the case of a wilful and serious act of pollution in the territorial sea.

3. In the conduct of proceedings in respect of such violations committed by a foreign vessel which may result in the imposition of penalties, recognised rights of the accused shall be observed.

*Article 231* NOTIFICATION TO THE FLAG STATE AND OTHER STATES CONCERNED



States shall promptly notify the flag State and any other State concerned of any measures taken pursuant to section 6 against foreign vessels, and shall submit to the flag State all official reports concerning such measures. However, with respect to violations committed in the territorial sea, the foregoing obligations of the coastal State apply only to such measures as are taken in proceedings. The diplomatic agents or consular officers and where possible the maritime authority of the flag State, shall be immediately informed of any such measures taken pursuant to section 6 against foreign vessels.

*Article 232*     **LIABILITY OF STATES ARISING FROM ENFORCEMENT MEASURES**

States shall be liable for damage or loss attributable to them arising from measures taken pursuant to section 6 when such measures are unlawful or exceed those reasonably required in the light of available information. States shall provide for recourse in their courts for actions in respect of such damage or loss.

*Article 233*     **SAFEGUARDS WITH RESPECT TO STRAITS USED FOR INTERNATIONAL NAVIGATION**

Nothing in sections 5, 6 and 7 affects the legal regime of straits used for international navigation. However, if a foreign ship other than those referred to in section 10 has committed a violation of the laws and regulations referred to in article 42, paragraph 1(a) and (b), causing or threatening major damage to the marine environment of the straits, the States bordering the straits may take appropriate enforcement measures and if so shall respect *mutatis mutandis* the provisions of this section.

**SECTION 8: ICE-COVERED AREAS**

*Article 234*     **ICE-COVERED AREAS**

Coastal States have the right to adopt and enforce non-discriminatory laws and regulations for the prevention, reduction and control of marine pollution from vessels in ice-covered areas within the limits of the exclusive economic zone, where particularly severe climatic conditions and the presence of ice covering such areas for most of the year create obstructions or exceptional hazards to navigation, and pollution of the marine environment could cause major harm to or irreversible disturbance of the ecological balance. Such laws and regulations shall have due regard to navigation and the protection and preservation of the marine environment based on the best available scientific evidence.

**SECTION 9: RESPONSIBILITY AND LIABILITY**

*Article 235*     **RESPONSIBILITY AND LIABILITY**

1. States are responsible for the fulfilment of their international obligations concerning the protection and preservation of the marine environment. They shall be liable in accordance with international law.
2. States shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief in respect of damage caused by pollution of the marine environment by natural or juridical persons under their jurisdiction.
3. With the objective of assuring prompt and adequate compensation in respect of all damage caused by pollution, of the marine environment, States shall co-operate in the implementation of existing international law and the further development of international law relating to responsibility and liability for the assessment of and compensation for damage and the settlement of related disputes, as well as, where appropriate, development of criteria and procedures for payment of adequate compensation, such as compulsory insurance or compensation funds.



## SECTION 10: SOVEREIGN IMMUNITY

### *Article 236* SOVEREIGN IMMUNITY

The provisions of this Convention regarding the protection and preservation of the marine environment do not apply to any warship, naval auxiliary, other vessels or aircraft owned or operated by a State and used, for the time being only on government non-commercial service. However, each State shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is reasonable and practicable, with this Convention.

## SECTION 11: OBLIGATIONS UNDER OTHER CONVENTIONS ON THE PROTECTION AND PRESERVATION OF THE MARINE ENVIRONMENT

### **Article 237** Obligations under other conventions on the protection and preservation of the marine environment

1. The provisions of this Part are without prejudice to the specific obligations assumed by States under special conventions and agreements concluded previously which relate to the protection and preservation of the marine environment and to agreements which may be concluded in furtherance of the general principles set forth in this Convention.
2. Specific obligations assumed by States under special conventions, with respect to the protection and preservation of the marine environment, should be carried out in a manner consistent with the general principles and objectives of this Convention.

## VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

Adopted at Vienna on 22 March 1985

### 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 e 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 organisations 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 the 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 organisation" means an organisation 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 authorised, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.
7. "Protocols" means protocols to this Convention.

*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 harmonising 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 ultraviolet solar radiation having biological effects (UVB);
  - (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 on 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.

2. The Parties undertake to promote or establish, as appropriate, directly or through competent international bodies and taking fully into account national legislation and relevant ongoing activities at both the national and international levels, joint or complementary programmes for systematic observation of the state of the ozone layer and other relevant parameters, as elaborated in annex I.

3. The Parties undertake to co-operate, directly or through competent international bodies, in ensuring the collection, validation and transmission of research and observational data through appropriate world data centres in a regular and timely fashion.

#### *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 harmonisation of appropriate policies, strategies and measures for minimising 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 Organisation and the World Health Organisation, 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 specialised 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 organisations 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 that 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 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 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 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 organisation may declare in writing to the Depository 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 recommendatory 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

This Convention shall be open for signature by States and by regional economic integration organisations at the Federal Ministry for Foreign Affairs of the Republic of Austria in Vienna from 22 March 1985 to 21 September 1985, and at United Nations Headquarters in New York from 22 September 1985 to 21 March 1986.

#### *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 organisations. Instruments of ratification, acceptance or approval shall be deposited with the Depository.

2. Any organisation 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 organisations, one or more of whose member States is a Party to the Convention or relevant protocol, the organisation 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 organisation 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 organisations 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 organisations shall also inform the Depository 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 organisations from the date on which the Convention or the protocol concerned is closed for signature. The instruments of accession shall be deposited with the Depository.



2. In their instruments of accession, the organisations 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 organisations 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 organisations 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 organisations, 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 organisations 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 organisation 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 organisation shall not be counted as additional to those deposited by member States of such organisation.

*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 19;
  - (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 organisations of the extent of their competence with respect to matters governed by this Convention and any protocols, and of any modifications thereof;
  - (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 authorised 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 recognise 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 correlative 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 mechanism 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) The 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 H<sub>0</sub>X, N<sub>0</sub>X, Cl<sub>0</sub>X 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 analysing 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 intercalibration of observational instrumentation and methods with a view to generating comparable or standardised 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) 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 (CO<sub>2</sub>) has significant natural and anthropogenic sources, and affects stratospheric ozone by influencing the thermal structure of the atmosphere.



- (iii) Methane (CH<sub>4</sub>) has both natural and anthropogenic sources, and affects both tropospheric and stratospheric ozone.
  - (iv) 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 (N<sub>2</sub>O)  
The dominant sources of N<sub>2</sub>O are natural, but anthropogenic contributions are becoming increasingly important. Nitrous oxide is the primary source of stratospheric N<sub>2</sub>O, which plays a vital role in controlling the abundance of stratospheric ozone.
  - (ii) Nitrogen oxides (NO<sub>x</sub>)  
Ground-level sources of NO<sub>x</sub> play a major direct role only in tropospheric photochemical processes and an indirect role in stratosphere photochemistry, whereas injection of NO<sub>x</sub> 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. CCl<sub>4</sub>, CFCI<sub>3</sub> (CFC-11), CF<sub>2</sub>CI<sub>2</sub> (CFC-12), C<sub>2</sub>F<sub>3</sub>CI<sub>3</sub> (CFC-113), C<sub>2</sub>F<sub>4</sub>CI<sub>2</sub> (CFC-114)  
Fully halogenated alkanes are anthropogenic and act as a source of ClO<sub>x</sub>, which plays a vital role in ozone photochemistry, especially in the 30-50 km altitude region.
  - (ii) Partially halogenated alkanes, e.g. CH<sub>3</sub>CI, CHF<sub>2</sub>CI (CFC-22), CH<sub>3</sub>CCI<sub>3</sub>, CHF<sub>2</sub>CI<sub>2</sub> (CFC-21)  
The sources of CH<sub>3</sub>CI are natural, whereas the other partially halogenated alkanes mentioned above are anthropogenic in origin. These gases also act as a source of stratospheric ClO<sub>x</sub>.
- (d) Bromine substances
- Fully halogenated alkanes, e.g. CF<sub>3</sub>Br  
These gases are anthropogenic and act as a source of BrO<sub>x</sub>, which behaves in a manner similar to ClO<sub>x</sub>.
- (e) Hydrogen substances
- (i) Hydrogen (H<sub>2</sub>)  
Hydrogen, the source of which is natural and anthropogenic, plays a minor role in stratospheric photochemistry.
  - (ii) Water (H<sub>2</sub>O)  
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.

## ANNEX II

### INFORMATION EXCHANGE

1. The Parties to the Convention recognise 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 recognise 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.



## MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

Adopted at Montreal on 16 September 1987

As adjusted and amended by the second Meeting of the Parties (London, 27-29 June 1990) and by the fourth Meeting of the Parties (Copenhagen, 23-25 November 1992) and further adjusted by the seventh Meeting of the Parties (Vienna, 5-7 December 1995).

### PREAMBLE

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,

*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 and bearing in mind the developmental needs of developing countries,

*Acknowledging* that special provision is required to meet the needs of developing countries including the provision of additional financial resources and access to relevant technologies, bearing in mind that the magnitude of funds necessary is predictable, and the funds can be expected to make a substantial difference in the world's ability to address the scientifically established problem of ozone depletion and its harmful effects,

*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, development and transfer of alternative technologies 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:

1. "Convention" means the Vienna Convention for the Protection of the Ozone Layer, adopted on 22 March 1985.
2. "Parties" means, unless the text otherwise indicates, Parties to this Protocol.

3. "Secretariat" means the Secretariat of the Convention.
4. "Controlled substance" means a substance in Annex A or in Annex B to this Protocol, whether existing alone or in a mixture. It includes the isomers of any such substance, except as specified in the relevant Annex, but excludes any controlled substance or mixture which is in a manufactured product other than a container used for the transportation or storage of that substance.
5. "Production" means the amount of controlled substances produced, minus the amount destroyed by technologies to be approved by the Parties and minus the amount entirely used as feedstock in the manufacture of other chemicals. The amount recycled and reused is not to be considered as "production".
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. Incorporated in Article 2A
  2. Replaced by Article 2B
  3. Replaced by Article 2A
  4. Replaced by Article 2A
5. Any Party may, for one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2E, provided that the total combined calculated levels of production of the Parties concerned for any group of controlled substances do not exceed the production limits set out in those Articles for that group. Such transfer of production shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.
- 5 bis. Any Party not operating under paragraph 1 of Article 5 may, for one or more control periods, transfer to another such Party any portion of its calculated level of consumption set out in Article 2F, provided that the calculated level of consumption of controlled substances in Group I of Annex A of the Party transferring the portion of its calculated level of consumption did not exceed 0.25 kilograms per capita in 1989 and that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in Article 2F. Such transfer of consumption shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.
6. Any Party not operating under Article 5, that has facilities for the production of Annex A or Annex B controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production 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 shall jointly fulfil their obligations respecting consumption under this Article and Article 2A to 2H provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Article 2A to 2H.
- (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, Annex B, Annex C and/or Annex E 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 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 a majority of the Parties operating under Paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting;
- (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. 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:
- (a) Whether any substances, and if so which, should be added to or removed from any annex to this Protocol; and;
  - (b) The mechanism, scope and timing of the control measures that should apply to those substances;
11. Notwithstanding the provisions contained in this Article and Articles 2A to 2H Parties may take more stringent measures than those required by this Article and Articles 2A to 2H.

#### *Introduction to the Adjustments.*

The Seventh Meeting of the Parties to the Montreal Protocol on Substances that Deplete the Ozone Layer decides, on the basis of assessments made pursuant to Article 6 of the Protocol, to adopt adjustments and reductions of production and consumption of the controlled substances in Annexes A, B, C and E to the Protocol as follows:

#### *Article 2A CFCs*

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 per cent 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 period 1 July 1991 to 31 December 1992, its calculated levels of consumption and production of the controlled substances in Group I of Annex A does not exceed, 150 per cent of its calculated levels of consumption and production in 1986; with effect from 1 January 1993, the twelve month control period for these controlled substances shall run from 1 January to 31 December each year.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 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, twenty-five 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, twenty-five per cent of its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under Paragraph 1 of Article 5, 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 twelve-month period commencing on 1 January 1996, 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 zero. 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 zero. However, in order to satisfy the basic domestic needs of the Parties operating under Paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

#### *Article 2B* Halons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1992, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed, annually 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, its calculated level of production in 1986. However, in order to satisfy the basic domestic needs of the Parties operating under Paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1986.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex A does not exceed zero. 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 zero. However, in order to satisfy the basic domestic needs of the Parties operating under Paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1986. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

#### *Article 2C* Other fully halogenated CFCs

1. Each Party shall ensure that for the twelve month period commencing on 1 January 1993, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed annually, eighty per cent of its calculated level of consumption in 1989. 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 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed, annually, twenty five per cent of its calculated level of consumption in 1989. 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, twenty five per cent of its calculated level of production in



1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex B does not exceed zero. 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 zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

*Article 2D* Carbon tetrachloride

1. Each Party shall ensure that for the twelve month period commencing on 1 January 1995, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed, annually, fifteen per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifteen per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2000, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group II of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

*Article 2E* 1,1,1-trichloroethane (methyl chloroform)

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1993, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 1994, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed, annually, fifty per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, fifty per cent of its calculated level of production in 1989. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1989.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Group III of Annex B does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1989. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.



*Article 2F* Hydrochlorofluorocarbons

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, the sum of:

- (a) Two point eight per cent of its calculated level of consumption in 1989 of the controlled substances in Group I of Annex A; and
- (b) Its calculated level of consumption in 1989 of the controlled substances in Group I of Annex C.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2004, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, sixty-five per cent of the sum referred to in paragraph 1 of this Article.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, thirty-five per cent of the sum referred to in paragraph 1 of this Article.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2015, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, ten per cent of the sum referred to in paragraph 1 of this Article.

5. Each Party shall ensure that for the twelve-month period commencing on 1 January 2020, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed, annually, zero point five per cent of the sum referred to in paragraph 1 of this Article. Such consumption shall, however, be restricted to the servicing of refrigeration and air conditioning equipment existing at that date.

6. Each Party shall ensure that for the twelve-month period commencing on 1 January 2030, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group I of Annex C does not exceed zero.

7. As of 1 January 1996, each Party shall endeavour to ensure that:

- (a) The use of controlled substances in Group I of Annex C is limited to those applications where other more environmentally suitable alternative substances or technologies are not available;
- (b) The use of controlled substances in Group I of Annex C is not outside the areas of application currently met by controlled substances in Annexes A, B and C, except in rare cases for the protection of human life or human health; and
- (c) Controlled substances in Group I of Annex C are selected for use in a manner that minimizes ozone depletion, in addition to meeting other environmental, safety and economic considerations.

*Article 2G* Hydrobromofluorocarbons

Each Party shall ensure that for the twelve-month period commencing on 1 January 1996, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substances in Group II of Annex C does not exceed zero. Each Party producing the substances shall, for the same periods, ensure that its calculated level of production of the substances does not exceed zero. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be essential.

*Article 2H* Methyl Bromide

1. Each Party shall ensure that for the twelve-month period commencing on 1 January 1995, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated



level of production of the substance does not exceed, annually, its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

2. Each Party shall ensure that for the twelve-month period commencing on 1 January 2001, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, seventy-five per cent of its calculated level of consumption in 1989. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed, annually, seventy-five per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

3. Each Party shall ensure that for the twelve-month period commencing on 1 January 2005, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed, annually, fifty per cent of its calculated level of consumption in 1991. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed annually, fifty per cent of its calculated level of production in 1991. However, in order to satisfy the basic domestic needs of Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to ten per cent of its calculated level of production in 1991.

4. Each Party shall ensure that for the twelve-month period commencing on 1 January 2010, and in each twelve-month period thereafter, its calculated level of consumption of the controlled substance in Annex E does not exceed zero. Each Party producing the substance shall, for the same periods, ensure that its calculated level of production of the substance does not exceed zero. However, in order to satisfy the basic domestic needs of the Parties operating under paragraph 1 of Article 5, its calculated level of production may exceed that limit by up to fifteen per cent of its calculated level of production in 1991. This paragraph will apply save to the extent that the Parties decide to permit the level of production or consumption that is necessary to satisfy uses agreed by them to be critical agricultural uses.

5. The calculated levels of consumption and production under this Article shall not include the amounts used by the Party for quarantine and pre-shipment applications.

#### *Article 3* CALCULATION OF CONTROL LEVELS

For the purposes of Articles 2, 2A to 2H and 5, each Party shall, for each Group of substances in Annex A, Annex B, Annex C or Annex E 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, Annex B, Annex C or Annex E;
  - (ii) Adding together, for each such Group, the resulting figures;
- (b) Imports and exports, respectively, by following, *mutatis mutandis*, the procedure set out in sub-paragraph (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 sub-paragraphs (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. As of 1 January 1990, each Party shall ban the import of the controlled substances in Annex A from any State not party to this Protocol.



1. *bis.* Within one year of the date of the entry into force of this paragraph, each Party shall ban the import of the controlled substances in Annex B from any State not party to this Protocol.
  
1. *ter.* Within one year of the date of entry into force of this paragraph, each Party shall ban the import of any controlled substances in Group II of Annex C from any State not party to this Protocol.
  
2. As of 1 January 1993, each Party shall ban the export of any controlled substances in Annex A to any State not party to this Protocol.
  
2. *bis.* Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Annex B to any State not party to this Protocol.
  
2. *ter.* Commencing one year after the date of entry into force of this paragraph, each Party shall ban the export of any controlled substances in Group II of Annex C to any State not party to this Protocol.
  
3. By 1 January 1992, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex A. 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.
  
3. *bis.* Within three years of the date of the entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex B. 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.
  
3. *ter.* Within three years of the date of entry into force of this paragraph, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Group II of Annex C. 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. By 1 January 1994, 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 in Annex A. 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 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. *bis.* Within five years of the date of the entry into force of this paragraph, 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 in Annex B. 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 the annex 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.
  
4. *ter.* Within five years of the date of entry into force of this paragraph, the Parties shall determine feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Group II of Annex C. 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 the annex 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 undertakes to the fullest practicable extent to discourage the export to any State not party to this Protocol of technology for producing and for utilizing controlled substances in Annexes A and B and Group II of Annex C.
  
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 controlled substances in Annexes A and B and Group II of Annex C.

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 in Annexes A and B and Group II of Annex C.

8. Notwithstanding the provisions of this Article, imports and exports referred to in paragraphs 1 to 4 of this Article may be permitted from, or to, 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, Articles 2A to 2E, Article 2G and this Article, and has submitted data to that effect as specified in Article 7.

9. For the purposes of this Article, the term "State not party to this Protocol" shall include, with respect to a particular controlled substance, a State or regional economic integration organization that has not agreed to be bound by the control measures in effect for that substance.

10. By 1 January 1996, the Parties shall consider whether to amend this Protocol in order to extend the measures in this Article to trade in controlled substances in Group I of Annex C and in Annex E with States not party to the Protocol.

#### *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 in Annex A 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 until 1 January 1999, shall in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with the control measures set out in Articles 2A to 2E, provided that any further amendments to the adjustments or Amendments adopted at the Second Meeting of the Parties in London, 29 June 1990, shall apply to the Parties operating under this paragraph after the review provided for in paragraph 8 of this Article has taken place and shall be based on the conclusions of that review.

1 *bis*. The Parties shall, taking into account the review referred to in paragraph 8 of this Article, the assessments made pursuant to Article 6 and any other relevant information, decide by 1 January 1996, through the procedure set forth in paragraph 9 of Article 2:

- (a) With respect to paragraphs 1 to 6 of Article 2F, what base year, initial levels, control schedules and phase-out date for consumption of the controlled substances in Group I of Annex C will apply to Parties operating under paragraph 1 of this Article;
- (b) With respect to Article 2G, what phase-out date for production and consumption of the controlled substances in Group II of Annex C will apply to Parties operating under paragraph 1 of this Article; and
- (c) With respect to Article 2H, what base year, initial levels and control schedules for consumption and production of the controlled substance in Annex E will apply to Parties operating under paragraph 1 of this Article.

2. However, any Party operating under paragraph 1 of this Article shall exceed neither an annual calculated level of consumption of the controlled substances in Annex A of 0.3 kilograms per capita nor an annual calculated level of consumption of the controlled substances in Annex B of 0.2 kilograms per capita.

3. When implementing the control measures set out in Articles 2A to 2E, any Party operating under paragraph 1 of this Article shall be entitled to use:

- (a) For controlled substances under Annex A, 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 determining its compliance with the control measures;
- (b) For controlled substances under Annex B, the average of its annual calculated level of consumption for



the period 1998 to 2000 inclusive or a calculated level of consumption of 0.2 kilograms per capita, whichever is the lower, as the basis for determining its compliance with the control measures.

4. If a Party operating under paragraph 1 of this Article, at any time before the control measures obligations in Articles 2A to 2H become applicable to it finds itself unable to obtain an adequate supply of controlled substances, it may notify this to the Secretariat. The Secretariat shall forthwith transmit a copy of such notification to the Parties which shall consider the matter at their next Meeting, and decide upon appropriate action to be taken.

5. Developing the capacity to fulfill the obligations of the Parties operating under paragraph 1 of this Article to comply with the control measures set out in Articles 2A to 2E and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of this Article, and their implementation by those same Parties will depend upon the effective implementation of the financial co-operation as provided by Article 10 and transfer of technology as provided by Article 10A.

6. Any Party operating under paragraph 1 of this Article may, at any time, notify the Secretariat in writing that, having taken all practicable steps it is unable to implement any or all of the obligations laid down in Articles 2A to 2E, or any or all of the obligations laid down in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of this Article, due to the inadequate implementation of Articles 10 and 10A. The Secretariat shall forthwith transmit a copy of the notification to the Parties which shall consider the matter at their next Meeting, giving due recognition to paragraph 5 of this Article and shall decide upon appropriate action to be taken.

7. During the period between notification and the Meeting of the Parties at which the appropriate action referred to in paragraph 6 above is to be decided, or for a further period if the Meeting of the Parties so decides, the non-compliance procedures referred to in Article 8 shall not be invoked against the notifying Party.

8. A Meeting of the Parties shall review, not later than 1995, the situation of the Parties operating under paragraph 1 of this Article, including the effective implementation of financial co-operation and transfer of technology to them, and adopt such revisions that may be deemed necessary regarding the schedule of control measures applicable to those Parties.

8. *bis* Based on the conclusions of the review referred to in paragraph 8 above:

- (a) With respect to the controlled substances in Annex A, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2A and 2B shall be read accordingly;
- (b) With respect to the controlled substances in Annex B, a Party operating under paragraph 1 of this Article shall, in order to meet its basic domestic needs, be entitled to delay for ten years its compliance with control measures adopted by the Second Meeting of the Parties in London, 29 June 1990, and reference by the Protocol to Articles 2C to 2E shall be read accordingly;

8. *ter* Pursuant to paragraph 1 *bis* above:

- (a) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve months period commencing 1 January 2016, and in each twelve-month period thereafter, its calculated level of consumption of controlled substances in Group 1 of Annex C does not exceed, annually, its calculated level of consumption in 2015;
- (b) Each Party operating under paragraph 1 of this Article shall ensure that for the twelve months period commencing 1 January 2040, and in each twelve-month period thereafter, its calculated level of consumption of controlled substances in Group 1 of Annex C does not exceed zero;
- (c) Each Party operating under paragraph 1 of this Article shall comply with Article 2G;
- (d) With regard to the controlled substances contained in Annex E:
  - (i) As of 1 January 2002, each Party operating under paragraph 1 of this Article shall comply with the

control measures set out in paragraph 1 of Article 2H and, as the basis for its compliance with these control measures, it shall use the average of its annual calculated level of consumption and production, respectively, for the period of 1995 to 1998 inclusive;

- (ii) The calculated levels of consumption and production under this subparagraph shall not include the amounts used by the Party for quarantine and pre-shipment application.

9. Decisions of the Parties referred to in paragraphs 4, 6 and 7 of this Article shall be taken according to the same procedure applied to decision-making under Article 10.

*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 and Articles 2A to 2H 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 in Annex A for the year 1986, or the best possible estimates of such data where actual data are not available.

2. Each Party shall provide to the Secretariat statistical data on its production, imports and exports of each of the controlled substances  
 - in Annexes B and C, for the year 1989;  
 - in Annex E, for the year 1991,

or the best possible estimates of such data where actual data are not available, not later than three months after the date when the provisions set out in the Protocol with regard to the substances in Annexes B, C and E respectively enter into force for that Party.

3. Each Party shall provide to the Secretariat statistical data on its annual production (as defined in paragraph 5 of Article 1) of each of the controlled substances listed in Annexes A, B, C and E and, separately, for each substance,

- Amounts used for feedstocks,
- Amounts destroyed by technologies approved by the Parties, and
- Imports from and exports to Parties and non- Parties respectively, for the year during which provisions concerning the substances in Annexes A, B, C and E respectively entered into force for that Party and for each year thereafter.

Data shall be forwarded not later than nine months after the end of the year to which the data relate.

3 *bis*. Each Party shall provide to the Secretariat separate statistical data of its annual imports and exports of each of the controlled substances listed in Group II of Annex A and Group I of Annex C that have been recycled.

4. For Parties operating under the provisions of paragraph 8(a) of Article 2, the requirements in paragraphs 1, 2 and 3 and 3 *bis* of this Article in respect of statistical data on imports and exports shall be satisfied if the regional economic integration organization concerned provides data on imports and exports between the organization and States that are not members of that organization.

*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* FINANCIAL MECHANISM

1. The Parties shall establish a mechanism for the purposes of providing financial and technical co-operation, including the transfer of technologies, to Parties operating under paragraph 1 of Article 5 of this Protocol to enable their compliance with the control measures set out in Articles 2A to 2E, and any control measures in Articles 2F to 2H that are decided pursuant to paragraph 1 *bis* of Article 5 of the Protocol. The mechanism, contributions to which shall be additional to other financial transfers to Parties operating under that paragraph, shall meet all agreed incremental costs of such Parties in order to enable their compliance with the control measures of the Protocol. An indicative list of the categories of incremental costs shall be decided by the meeting of the Parties.

2. The mechanism established under paragraph 1 shall include a Multilateral Fund. It may also include other means of multilateral, regional and bilateral co-operation.

3. The Multilateral Fund shall:

- (a) Meet, on a grant or concessional basis as appropriate, and according to criteria to be decided upon by the Parties, the agreed incremental costs;
- (b) Finance clearing-house functions to:
  - (i) Assist Parties operating under paragraph 1 of Article 5, through country specific studies and other technical co-operation, to identify their needs for co-operation;
  - (ii) Facilitate technical co-operation to meet these identified needs;
  - (iii) Distribute, as provided for in Article 9, information and relevant materials, and hold workshops, training sessions, and other related activities, for the benefit of Parties that are developing countries; and
  - (iv) Facilitate and monitor other multilateral regional and bilateral co-operation available to Parties that are developing countries;
- (c) Finance the secretarial services of the Multilateral Fund and related support costs.



4. The Multilateral Fund shall operate under the authority of the Parties who shall decide on its overall policies.
5. The Parties shall establish an Executive Committee to develop and monitor the implementation of specific operational policies, guidelines and administrative arrangements, including the disbursement of resources, for the purpose of achieving the objectives of the Multilateral Fund. The Executive Committee shall discharge its tasks and responsibilities, specified in its terms of reference as agreed by the Parties, with the co-operation and assistance of the International Bank for Reconstruction and Development (World Bank), the United Nations Environment Programme, the United Nations Development Programme or other appropriate agencies depending on their respective areas of expertise. The members of the Executive Committee, which shall be selected on the basis of a balanced representation of the Parties operating under paragraph 1 of Article 5 and of the Parties not so operating, shall be endorsed by the Parties.
6. The Multilateral Fund shall be financed by contributions from Parties not operating under paragraph 1 of Article 5 in convertible currency or, in certain circumstances, in kind and/or in national currency, on the basis of the United Nations scale of assessments. Contributions by other Parties shall be encouraged. Bilateral and, in particular cases agreed by a decision of the Parties, regional co-operation may, up to a percentage and consistent with any criteria to be specified by decision of the Parties, be considered as a contribution to the Multilateral Fund, provided that such co-operation, as a minimum:
  - (a) Strictly relates to compliance with the provisions of this Protocol;
  - (b) Provides additional resources; and
  - (c) Meets agreed incremental costs.
7. The Parties shall decide upon the programme budget of the Multilateral Fund for each fiscal period and upon the percentage of contributions of the individual Parties thereto.
8. Resources under the Multilateral Fund shall be disbursed with the concurrence of the beneficiary Party
9. Decisions by the Parties under this Article shall be taken by consensus whenever possible. If all efforts at consensus have been exhausted and no agreement reached, decisions shall be adopted by a two-thirds majority vote of the Parties present and voting, representing a majority of the Parties operating under paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting.
10. The financial mechanism set out in this Article is without prejudice to any future arrangements that may be developed with respect to other environmental issues.

#### *Article 10A* TRANSFER OF TECHNOLOGY

Each Party shall take every practicable step, consistent with the programmes supported by the financial mechanism, to ensure:

- (a) That the best available, environmentally safe substitutes and related technologies are expeditiously transferred to Parties operating under paragraph 1 of Article 5; and
- (b) That the transfers referred to in sub-paragraph (a) occur under fair and most favourable conditions.

#### *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.[of original Protocol adopted in 1987]

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 sub-paragraph (c) of Article 12;
- (g) Assess, in accordance with Article 6, the control measures;
- (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 sub-paragraphs (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.

*Article 13* FINANCIAL PROVISIONS

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

This Protocol shall be open for signature by States and by regional economic integration organizations in Montreal on 16 September 1987, in Ottawa from 17 September 1987 to 16 January 1988, and at United Nations Headquarters in New York from 17 January 1988 to 15 September 1988.

*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 fulfil 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

Any 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 paragraph 1 of Article 2A. 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.

**Annex A**

**CONTROLLED SUBSTANCES**

Group	Substance	Ozone Depleting Potential*
<b>Group I</b>		
	CFCl <sub>3</sub> (CFC-11)	1.0
	CF <sub>2</sub> Cl <sub>2</sub> (CFC-12)	1.0
	C <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub> (CFC-113)	0.8
	C <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub> (CFC-114)	1.0
	C <sub>2</sub> F <sub>4</sub> Cl (CFC-115)	0.6
<b>Group II</b>		
	CF <sub>2</sub> BrCl (halon-1211)	3.0
	CF <sub>3</sub> Br (halon 1301)	10.0
	C <sub>2</sub> F <sub>4</sub> Br <sub>2</sub> (halon 2402)	6.0

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

## Annex B

## CONTROLLED SUBSTANCES

Group	Substance	Ozone- depleting potential
Group I		
	CF <sub>3</sub> Cl	(CFC-13) 1.0
	C <sub>2</sub> FCl <sub>5</sub>	(CFC-111) 1.0
	C <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	(CFC-112) 1.0
	C <sub>3</sub> FCl <sub>7</sub>	(CFC-211) 1.0
	C <sub>3</sub> F <sub>2</sub> Cl <sub>6</sub>	(CFC-212) 1.0
	C <sub>3</sub> F <sub>3</sub> Cl <sub>5</sub>	(CFC-213) 1.0
	C <sub>3</sub> F <sub>4</sub> Cl <sub>4</sub>	(CFC-214) 1.0
	C <sub>3</sub> F <sub>5</sub> Cl <sub>3</sub>	(CFC-215) 1.0
	C <sub>3</sub> F <sub>6</sub> Cl <sub>2</sub>	(CFC-216) 1.0
	C <sub>3</sub> F <sub>7</sub> Cl	(CFC-217) 1.0
Group II		
	CCl <sub>4</sub>	carbon tetrachloride 1.1
Group III		
	C <sub>2</sub> H <sub>3</sub> Cl <sub>3</sub> *	1,1,1-trichloroethane (methyl chloroform) 0.1

\* This formula does not refer to 1,1,2-trichloroethane.

Annex C  
Controlled substances

Group	Substance	Number of Isomers	Ozone Depleting Potential*
Group I			
	CHFCl <sub>2</sub>	(HCFC-21)** 1	0.04
	CHF <sub>2</sub> Cl	(HCFC-22)** 1	0.055
	CH <sub>2</sub> FCl	(HCFC-31) 1	0.02
	C <sub>2</sub> HFCl <sub>4</sub>	(HCFC-121) 2	0.01 - 0.04
	C <sub>2</sub> HF <sub>2</sub> Cl <sub>3</sub>	(HCFC-122) 3	0.02 - 0.08
	C <sub>2</sub> HF <sub>3</sub> Cl <sub>2</sub>	(HCFC-123) 3	0.02 - 0.06
	CHCl <sub>2</sub> CF <sub>3</sub>	(HCFC-123)** -	0.02
	C <sub>2</sub> HF <sub>4</sub> Cl	(HCFC-124) 2	0.02 - 0.04
	CHFClCF <sub>3</sub>	(HCFC-124)** -	0.022
	C <sub>2</sub> H <sub>2</sub> FCl <sub>3</sub>	(HCFC-131) 3	0.007 - 0.05
	C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>2</sub>	(HCFC-132) 4	0.008 - 0.05
	C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Cl	(HCFC-133) 3	0.02 - 0.06
	C <sub>2</sub> H <sub>3</sub> FCl <sub>2</sub>	(HCFC-141) 3	0.005 - 0.07
	CH <sub>3</sub> CFCl <sub>2</sub>	(HCFC-141b)** -	0.11
	C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Cl	(HCFC-142) 3	0.008 - 0.07
	CH <sub>3</sub> CF <sub>2</sub> Cl	(HCFC-142b)** -	0.065
	C <sub>2</sub> H <sub>4</sub> FCl	(HCFC-151) 2	0.003 - 0.005
	C <sub>3</sub> HFCl <sub>6</sub>	(HCFC-221) 5	0.015 - 0.07
	C <sub>3</sub> HF <sub>2</sub> Cl <sub>5</sub>	(HCFC-222) 9	0.01 - 0.09
	C <sub>3</sub> HF <sub>3</sub> Cl <sub>4</sub>	(HCFC-223) 12	0.01 - 0.08
	C <sub>3</sub> HF <sub>4</sub> Cl <sub>3</sub>	(HCFC-224) 12	0.01 - 0.09

C <sub>3</sub> HF <sub>5</sub> Cl <sub>2</sub>	(HCFC-225)	9	0.02 - 0.07
CF <sub>3</sub> CF <sub>2</sub> CHCl <sub>2</sub>	(HCFC-225ca)**	-	0.025
CF <sub>2</sub> CICF <sub>2</sub> CHClF	(HCFC-225cb)**	-	0.033
C <sub>3</sub> HF <sub>6</sub> Cl	(HCFC-226)	5	0.02 - 0.10
C <sub>3</sub> H <sub>3</sub> FCl <sub>5</sub>	(HCFC-231)	9	0.05 - 0.09
C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Cl <sub>4</sub>	(HCFC-232)	16	0.008 - 0.10
C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Cl <sub>3</sub>	(HCFC-233)	18	0.007 - 0.23
C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Cl <sub>2</sub>	(HCFC-234)	6	0.01 - 0.28
C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Cl	(HCFC-235)	9	0.03 - 0.52
C <sub>3</sub> H <sub>3</sub> FCl <sub>4</sub>	(HCFC-241)	12	0.004 - 0.09
C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Cl <sub>3</sub>	(HCFC-242)	18	0.005 - 0.13
C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Cl <sub>2</sub>	(HCFC-243)	18	0.007 - 0.12
C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Cl	(HCFC-244)	12	0.009 - 0.14
C <sub>3</sub> H <sub>4</sub> FCl <sub>3</sub>	(HCFC-251)	12	0.001 - 0.01
C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Cl <sub>2</sub>	(HCFC-252)	16	0.005 - 0.04
C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Cl	(HCFC-253)	12	0.003 - 0.03
C <sub>3</sub> H <sub>5</sub> FCl <sub>2</sub>	(HCFC-261)	9	0.002 - 0.02
C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Cl	(HCFC-262)	9	0.002 - 0.02
C <sub>3</sub> H <sub>6</sub> FCl	(HCFC-271)	5	0.001 - 0.03

## Group II

CHFBr <sub>2</sub>		1	1.00
CHF <sub>2</sub> Br(HBFC-22B1)		1	0.74
CH <sub>2</sub> FBr		1	0.73
C <sub>2</sub> HFBr <sub>4</sub>		2	0.3 - 0.8
C <sub>2</sub> HF <sub>2</sub> Br <sub>3</sub>		3	0.5 - 1.8
C <sub>2</sub> HF <sub>3</sub> Br <sub>2</sub>		3	0.4 - 1.6
C <sub>2</sub> HF <sub>4</sub> Br		2	0.7 - 1.2
C <sub>2</sub> H <sub>2</sub> FBr <sub>3</sub>		3	0.1 - 1.1
C <sub>2</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>2</sub>		4	0.2 - 1.5
C <sub>2</sub> H <sub>2</sub> F <sub>3</sub> Br		3	0.7 - 1.6
C <sub>2</sub> H <sub>3</sub> FBr <sub>2</sub>		3	0.1 - 1.7
C <sub>2</sub> H <sub>3</sub> F <sub>2</sub> Br		3	0.2 - 1.1
C <sub>2</sub> H <sub>4</sub> FBr		2	0.07 - 0.1
C <sub>3</sub> HFBr <sub>6</sub>		5	0.3 - 1.5
C <sub>3</sub> HF <sub>2</sub> Br <sub>5</sub>		9	0.2 - 1.9
C <sub>3</sub> HF <sub>3</sub> Br <sub>4</sub>		2	0.3 - 1.8
C <sub>3</sub> HF <sub>4</sub> Br <sub>3</sub>		12	0.5 - 2.2
C <sub>3</sub> HF <sub>5</sub> Br <sub>2</sub>		9	0.9 - 2.0
C <sub>3</sub> HF <sub>6</sub> Br		5	0.7 - 3.3
C <sub>3</sub> H <sub>2</sub> FBr <sub>5</sub>		9	0.1 - 1.9
C <sub>3</sub> H <sub>2</sub> F <sub>2</sub> Br <sub>4</sub>		16	0.2 - 2.1
C <sub>3</sub> H <sub>2</sub> F <sub>3</sub> Br <sub>3</sub>		18	0.2 - 5.6
C <sub>3</sub> H <sub>2</sub> F <sub>4</sub> Br <sub>2</sub>		16	0.3 - 7.5
C <sub>3</sub> H <sub>2</sub> F <sub>5</sub> Br		8	0.9 - 14
C <sub>3</sub> H <sub>3</sub> FBr <sub>4</sub>		12	0.08 - 1.9
C <sub>3</sub> H <sub>3</sub> F <sub>2</sub> Br <sub>3</sub>		18	0.1 - 3.1
C <sub>3</sub> H <sub>3</sub> F <sub>3</sub> Br <sub>2</sub>		18	0.1 - 2.5
C <sub>3</sub> H <sub>3</sub> F <sub>4</sub> Br		12	0.3 - 4.4
C <sub>3</sub> H <sub>4</sub> FBr <sub>3</sub>		12	0.03 - 0.3
C <sub>3</sub> H <sub>4</sub> F <sub>2</sub> Br <sub>2</sub>		16	0.1 - 1.0
C <sub>3</sub> H <sub>4</sub> F <sub>3</sub> Br		12	0.07 - 0.8
C <sub>3</sub> H <sub>5</sub> FBr <sub>2</sub>		9	0.04 - 0.4
C <sub>3</sub> H <sub>5</sub> F <sub>2</sub> Br		9	0.07 - 0.8
C <sub>3</sub> H <sub>6</sub> FBr		5	0.02 - 0.7



\* Where a range of ODPs is indicated, the highest value in that range shall be used for the purposes of the Protocol. The ODPs listed as a single value have been determined from calculations based on laboratory measurements. Those listed as a range are based on estimates and are less certain. The range pertains to an isomeric group. The upper value is the estimate of the ODP of the isomer with the highest ODP, and the lower value is the estimate of the ODP of the isomer with the lowest ODP.

\*\* Identifies the most commercially viable substances with ODP values listed against them to be used for the purposes of the Protocol.

#### Annex D\*

##### List of Products\*\* containing controlled substances specified in Annex A

Products	Customs Code No
1. Automobile and Truck airconditioning units	---
2. Domestic and commercial refrigeration and air conditioning/heat pump equipment *** eg Refrigeration, Freezers, Dehumidifiers, Water Coolers Ice machines, air conditioning and heat pump units	---
3. Aerosol products, except medical aerosols	---
4. Portable fire extinguishers	---
5. Insulation boards, panels and pipe covers	---
6. Pre-polymers	---

\* This Annex was adopted by the Third Meeting of the Parties in 1991 as required by paragraph 3 of Article 4 of the Protocol

\*\* Though not when transported in consignments of personal or household effects or in similar non-commercial situations normally exempted from customs attention

\*\*\* When containing controlled substances in Annex A as a refrigerant and/or in insulating material of the product.

#### Annex E Controlled substances

Group	Substance	Ozone-Depleting Potential
Group I CH3Br	methyl bromide	0.6

## **BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL (1989)**

**Entered into Force May 5, 1992**

### **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,

*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,

*bis Recognising* that transboundary movements of hazardous wastes, especially to developing countries, have a high risk of not constituting an environmentally sound management of hazardous wastes as required by this convention,

*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 movement 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,

*Convinced* 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,

*Taking* into account the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Cairo Guidelines and Principles for the Environmentally Sound Management of Hazardous Wastes adopted by the Governing Council of the United Nations Environment Programme (UNEP) by decision 14/30 of 17 June 1987, the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially), relevant recommendations, declarations, instruments and regulations adopted within the United Nations system and the work and studies done within other international



and regional organizations,

*Mindful* of the spirit, principles, aims and functions of the World Charter for Nature adopted by the General Assembly of the United Nations at its thirty-seventh session (1982) as the rule of ethics in respect of the protection of the human environment and the conservation of natural resources,

*Affirming* that States are responsible for the fulfilment of their international obligations concerning the protection of human health and protection and preservation of the environment, and are liable in accordance with international law,

*Recognizing* that in the case of a material breach of the provisions of this Convention or any protocol thereto the relevant international law of treaties shall apply,

*Aware* of the need to continue the development and implementation of environmentally sound low-waste technologies, recycling options, good house-keeping and management systems with a view to reducing to a minimum the generation of hazardous wastes and other wastes,

*Aware* also of the growing international concern about the need for stringent control of transboundary movement of hazardous wastes and other wastes, and of the need as far as possible to reduce such movement to a minimum,

*Concerned* about the problem of illegal transboundary traffic in hazardous wastes and other wastes,

*Taking* into account also the limited capabilities of the developing countries to manage hazardous wastes and other wastes,

*Recognizing* the need to promote the transfer of technology for the sound management of hazardous wastes and other wastes produced locally, particularly to the developing countries in accordance with the spirit of the Cairo Guidelines and decision 14/16 of the Governing Council of UNEP on Promotion of the transfer of environmental protection technology,

*Recognizing* also that hazardous wastes and other wastes should be transported in accordance with relevant international conventions and recommendations

*Convinced* also that the transboundary movement of hazardous wastes and other wastes should be permitted only when the transport and the ultimate disposal of such wastes is environmentally sound, and

*Determined* to protect, by strict control, human health and the environment against the adverse effects which may result from the generation and management of hazardous wastes and other wastes,

Have agreed as follows:

#### *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 authorized 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 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 degrees 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; or
- (c) 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.

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 sovereignty 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 4 A* (inserted COP/III)

- 1. Each Party listed in Annex VII shall prohibit all transboundary movements of hazardous wastes which are destined for operations according to Annex IVA, to States not listed in Annex VII.
- 2. Each Party listed in Annex VII shall phase out by 31 December 1997, and prohibit as of that date, all transboundary movements of hazardous waste under Article (i)(a) of the Convention which are destined for operations according to Annex IVB to States not listed in Annex VII. Such transboundary movements shall not be prohibited unless the wastes in question are characterised as hazardous under the Convention.

#### *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 V A, 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 13. 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 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 entry and exit 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 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 2 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 harmonization 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 cooperate 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 11* BILATERAL, MULTILATERAL AND REGIONAL AGREEMENTS

1. Notwithstanding the provisions of Article 4 paragraph 5, Parties may enter into bilateral, multilateral, or regional agreements or arrangements regarding transboundary movement of hazardous wastes or other wastes with

Parties or non-Parties provided that such agreements or arrangements do not derogate from the environmentally sound management of hazardous wastes and other wastes as required by this Convention. These agreements or arrangements shall stipulate provisions which are not less environmentally sound than those provided for by this Convention in particular taking into account the interests of developing countries.

2. Parties shall notify the Secretariat of any bilateral, multilateral or regional agreements or arrangements referred to in paragraph 1 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 and other wastes which

take place entirely among the Parties to such agreements. The provisions of this Convention shall not affect transboundary movements which take place pursuant to such agreements provided that such agreements are compatible with the environmentally sound management of hazardous wastes and other wastes as required by this Convention.

*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 national 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 sub-regions, regional or sub-regional centers 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.

6. 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 Articles 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 technical assistance and training;
  - available technical and scientific know-how;
  - 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;
- (l) 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-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, 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 whom 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. When ratifying, 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 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 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 organizations, 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 Depository.
2. Withdrawal shall be effective one year from receipt of notification by the Depository, or on such later date as may be specified in the notification.

*Article 28* DEPOSITORY

The Secretary-General of the United Nations shall be the Depository 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 day of 1989



## Annex I

## CATEGORIES OF WASTES TO BE CONTROLLED

## Waste Streams

- Y1 Clinical wastes from medical care in hospitals, medical centers 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
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
- Y15 Wastes of an explosive nature not subject to other legislation
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
- Y17 Wastes resulting from surface treatment of metals and plastics
- Y18 Residues arising from industrial waste disposal operations

## Wastes having as constituents:

- Y19 Metal carbonyls
- Y20 Beryllium; beryllium compounds
- Y21 Hexavalent chromium compounds
- Y22 Copper compounds
- Y23 Zinc compounds
- Y24 Arsenic; arsenic compounds
- Y25 Selenium, selenium compounds
- Y26 Cadmium; cadmium compounds
- Y27 Antimony; antimony compounds
- Y28 Tellurium; tellurium compounds
- Y29 Mercury; mercury compounds
- Y30 Thallium; thallium compounds
- Y31 Lead, lead compounds
- Y32 Inorganic fluorine compounds excluding calcium fluoride
- Y33 Inorganic cyanides
- Y34 Acidic solutions or acids in solid form
- Y35 Basic solutions or bases in solid form
- Y36 Asbestos (dust and fibres)
- Y37 Organic phosphorous compounds
- Y38 Organic cyanides

Y39	Phenols; phenol compounds including chlorophenols
Y40	Ethers
Y41	Halogenated organic solvents
Y42	Organic solvents excluding halogenated solvents
Y43	Any congener of polychlorinated dibenzo-furan
Y44	Any congener of polychlorinated dibenzo-p-dioxin
Y45	Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44).

## Annex II

### CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

Y46	Wastes collected from households
Y47	Residues arising from the incineration of household

## Annex III

### LIST OF HAZARDOUS CHARACTERISTICS

UN Class*	Code	Characteristics
1	H1	Explosive  An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.
3	H3	Flammable liquids The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example, paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5 deg. C, closed-cup test, or not more than 65.6 deg 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.)
4.1	H4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion. Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or to heating up on contact with air, and being then liable to catch fire.
1.3	H4.2	Substances or wastes which, in contact with water emit flammable gases. Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	Oxidizing Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.



- 5.2 H5.2 Organic Peroxides  
Organic substances or wastes which contain the bivalent-o-o-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.
- 6.1 H6.1 Poisonous (Acute)  
Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.
- 6.2 H6.2 Infectious substances  
Substances or wastes containing viable micro organisms or their toxins which are known or suspected to cause disease in animals or humans.
- 8 H8 Corrosives  
Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or, in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.
- 9 H10 Liberation of toxic gases in contact with air or water  
Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.
- 9 H11 Toxic (Delayed or chronic)  
Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.
- 9 H12 Ecotoxic  
Substances or wastes which if released present or may present immediate or delayed adverse impacts to the environment by means of bioaccumulation and/or toxic effects upon biotic systems.
- 9 H13 Capable, by any means, after disposal, of yielding another material, e.g., leachate, which possesses any of the characteristics listed above.

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 characterize 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 1, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

\*Corresponds to the hazard classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/ AC.10/1/Rev.5, United Nations, New York, 1988).

#### Annex IV

#### DISPOSAL OPERATIONS

#### A. OPERATIONS WHICH DO NOT LEAD TO THE POSSIBILITY OF RESOURCE RECOVERY, RECYCLING, 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/1
3. Generator(s) of the waste and site of generation/1
4. Disposer of the waste and actual site of disposal/1
5. Intended carrier(s) of the waste or their agents, if known/1
6. Country of export of the waste Competent authority/2
7. Expected countries of transit Competent authority/2
8. Country of import of the waste Competent authority/2
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)/3
11. Means of transport envisaged (road, rail, sea, air, inland waters)
12. Information relating to insurance/4
13. Designation and physical description of the waste including Y number and UN number and its compositions/5 and information on any special handling requirements including emergency provisions



- in case of accidents
14. Type of packaging envisaged (e.g. bulk, drummed, tanker)
  15. Estimated quantity in weight/volume/6
  16. Process by which the waste is generated/7
  17. For wastes listed in Annex III, classifications from Annex II: hazardous characteristic, H 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 is 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/ Insofar as this 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 or 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.

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## CONVENTION ON BIOLOGICAL DIVERSITY

Adopted at Rio de Janeiro on 5 June 1992

### PREAMBLE

The Contracting Parties,

*Conscious* of the intrinsic value of biological diversity and of the ecological, genetic, social, economic, scientific, educational, cultural, recreational and aesthetic values of biological diversity and its components,

*Conscious* also of the importance of biological diversity for evolution and for maintaining life sustaining systems of the biosphere,

*Affirming* that the conservation of biological diversity is a common concern of humankind,

*Reaffirming* that States have sovereign rights over their own biological resources,

*Reaffirming* also that States are responsible for conserving their biological diversity and for using their biological resources in a sustainable manner,

*Concerned* that biological diversity is being significantly reduced by certain human activities,

*Aware* of the general lack of information and knowledge regarding biological diversity and of the urgent need to develop scientific, technical and institutional capacities to provide the basic understanding upon which to plan and implement appropriate measures,

*Noting* that it is vital to anticipate, prevent and attack the causes of significant reduction or loss of biological diversity at source,

*Noting* also that where there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be used as a reason for postponing measures to avoid or minimize such a threat,

*Noting* further that the fundamental requirement for the conservation of biological diversity is the in-situ conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings,

*Noting* further that ex-situ measures, preferably in the country of origin, also have an important role to play,

*Recognizing* the close and traditional dependence of many indigenous and local communities embodying traditional lifestyles on biological resources, and the desirability of sharing equitably benefits arising from the use of traditional knowledge, innovations and practices relevant to the conservation of biological diversity and the sustainable use of its components,

*Recognizing* also the vital role that women play in the conservation and sustainable use of biological diversity and affirming the need for the full participation of women at all levels of policy-making and implementation for biological diversity conservation,

*Stressing* the importance of, and the need to promote, international, regional and global cooperation among States and intergovernmental organizations and the non-governmental sector for the conservation of biological diversity and the sustainable use of its components,

*Acknowledging* that the provision of new and additional financial resources and appropriate access to relevant technologies can be expected to make a substantial difference in the world's ability to address the loss of biological diversity,



*Acknowledging* further that special provision is required to meet the needs of developing countries, including the provision of new and additional financial resources and appropriate access to relevant technologies,

*Noting* in this regard the special conditions of the least developed countries and small island States,

*Acknowledging* that substantial investments are required to conserve biological diversity and that there is the expectation of a broad range of environmental, economic and social benefits from those investments,

*Recognizing* that economic and social development and poverty eradication are the first and overriding priorities of developing countries,

*Aware* that conservation and sustainable use of biological diversity is of critical importance for meeting the food, health and other needs of the growing world population, for which purpose access to and sharing of both genetic resources and technologies are essential,

*Noting* that, ultimately, the conservation and sustainable use of biological diversity will strengthen friendly relations among States and contribute to peace for humankind,

*Desiring* to enhance and complement existing international arrangements for the conservation of biological diversity and sustainable use of its components, and

*Determined* to conserve and sustainable use biological diversity for the benefit of present and future generations,

Have agreed as follows:

#### *Article 1* OBJECTIVES

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

#### *Article 2* USE OF TERMS

For the purposes of this Convention:

"Biological diversity" means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.

"Biological resources" includes genetic resources, organisms or parts thereof, populations, or any other biotic component of ecosystems with actual or potential use or value for humanity.

"Biotechnology" means any technological application that uses biological systems, living organisms, or derivatives thereof, to make or modify products or processes for specific use.

"Country of origin of genetic resources" means the country which possesses those genetic resources in in-situ conditions.

"Country providing genetic resources" means the country supplying genetic resources collected from in-situ sources, including populations of both wild and domesticated species, or taken from ex-situ sources, which may or may not have originated in that country.

"Domesticated or cultivated species" means species in which the evolutionary process has been influenced by humans to meet their needs.

"Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit.

"Ex-situ conservation" means the conservation of components of biological diversity outside their natural habitats.

"Genetic material," means any material of plant, animal, microbial or other origin containing functional units of heredity.

"Genetic resources" means genetic material of actual or potential value.

"Habitat" means the place or type of site where an organism or population naturally occurs.

"In-situ conditions" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"In-situ conservation" means the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.

"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-sect;
- (c) total 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 holder of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices;
- (k) Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations;
- (l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities; and
- (m) Cooperate in providing financial and other support for in-situ conservation outlined in subparagraphs (a) to (l) above, particularly to developing countries.

*Article 9* EX-SITU CONSERVATION

Each Contracting Party shall, as far as possible and as appropriate, and predominantly for the purpose of complementing in-situ measures:

- (a) Adopt measures for the ex-situ conservation of components of biological diversity, preferably in the country of origin of such components;
- (b) Establish and maintain facilities for ex-situ conservation of and research on plants, animals and micro-organisms, preferably in the country of origin of genetic resources;
- (c) Adopt measures for the recovery and rehabilitation of threatened species and for their reintroduction into their natural habitats under appropriate conditions;
- (d) Regulate and manage collection of biological resources from natural habitats for ex-situ conservation purposes so as not to threaten ecosystems and in-situ populations of species, except where special temporary ex-situ measures are required under subparagraph (c) above; and
- (e) cooperate in providing financial and other support for ex-situ conservation outlined in subparagraphs (a) to (d) above and in the establishment and maintenance of ex-situ conservation facilities in developing countries.

*Article 10* SUSTAINABLE USE OF COMPONENTS OF BIOLOGICAL DIVERSITY

Each Contracting Party shall, as far as possible and as appropriate:

- (a) Integrate consideration of the conservation and sustainable Use of biological resources into national decision-making;



- (b) Adopt measures relating to the use of biological resources to avoid or minimize adverse impacts on biological diversity;
- (c) Protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements;
- (d) Support local populations to develop and implement remedial action in degraded areas where biological diversity has been reduced; and
- (e) Encourage cooperation between its governmental authorities and its private sector in developing methods for sustainable use of biological resources.

#### *Article 11* INCENTIVE MEASURES

Each Contracting Party shall, as far as possible and as appropriate, adopt economically and socially sound measures that act as incentives for the conservation and sustainable use of components of biological diversity.

#### *Article 12* RESEARCH AND TRAINING

The Contracting Parties, taking into account the special needs of developing countries, shall:

- (a) Establish and maintain programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components and provide support for such education and training for the specific needs of developing countries;
- (b) Promote and encourage research which contributes to the conservation and sustainable use of biological diversity, particularly in developing countries, inter-alia, in accordance with decisions of the Conference of the Parties taken in consequence of recommendations of the Subsidiary Body on Scientific, Technical and Technological Advice; and
- (c) In keeping with the provisions of Articles 16, 18 and 20, promote and cooperate in the use of scientific advances in biological diversity research in developing methods for conservation and sustainable use of biological resources.

#### *Article 13*

##### PUBLIC EDUCATION AND AWARENESS

The Contracting Parties shall:

- (a) Promote and encourage understanding of the importance of, and the measures required for, the conservation of biological diversity, as well as its propagation through media, and the inclusion of these topics in educational programmes; and
- (b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

#### *Article 14*

##### IMPACT ASSESSMENT AND MINIMIZING ADVERSE IMPACTS

1. Each Contracting Party, as far as possible and as appropriate, shall:

- (a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or

minimizing such effects and, where appropriate, allow for public participation in such procedures;

- (b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account;
  - (c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;
  - (d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of oilier States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and
  - (e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.
2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.

#### *Article 15* ACCESS TO GENETIC RESOURCES

1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.
2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other Contracting Parties and not to impose restrictions that run counter to the objectives of this Convention.
3. For the purpose of this Convention, the genetic resources being provided by a Contracting Party, as referred to in this Article and Articles 16 and 19, are only those that are provided by Contracting Parties that are countries of origin of such resources or by the Parties that have acquired the genetic resources in accordance with this Convention.
4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article.
5. Access to genetic resources shall be subject to prior informed consent of the Contracting Party providing such resources, unless otherwise determined by that Party.
6. Each Contracting Party shall endeavour to develop and carry out scientific research based on genetic resources provided by other Contracting Parties with the full participation of, and where possible in, such Contracting Parties.
7. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, and in accordance with Articles 16 and 19 and, where necessary, through the financial mechanism established by Articles 20 and 21 with the aim of sharing in a fair and equitable way the results of research and development and the benefits arising from the commercial and other utilization of genetic resources with the Contracting Party providing such resources. Such sharing shall be upon mutually agreed terms.

#### *Article 16* ACCESS TO AND TRANSFER OF TECHNOLOGY

1. Each Contracting Party, recognizing that technology includes biotechnology, and that both access to and



transfer of technology among Contracting Parties are essential elements for the attainment of the objectives of this Convention, undertakes subject to the provisions of this Article to provide and/or facilitate access for and transfer to other Contracting Parties of technologies that are relevant to the conservation and sustainable use of biological diversity or make use of genetic resources and do not cause significant damage to the environment.

2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.

3. Each Contracting Party shall take legislative, administrative or policy measures as appropriate with the aim that Contracting Parties, in particular those that are developing countries, which provide genetic resources are provided access to and transfer of technology which makes use of those resources, on mutually agreed terms, including technology protected by patents and other intellectual property rights, where necessary, through the provisions of Articles 20 and 21 and in accordance with international law and consistent with paragraphs 4 and 5 below.

4. Each Contracting Party shall take legislative, administrative or policy the private sector facilitates measures, as appropriate, with the aim that access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the obligation included in paragraphs 1, 2 and 3 above.

5. The Contracting Parties, recognizing that patents and other intellectual property rights may have an influence on the implementation of this Convention, shall cooperate in this regard subject to national legislation and international law in order to ensure that such rights are supportive of and do not run counter to its objectives.

#### *Article 17* EXCHANGE OF INFORMATION

1. The Contracting Parties shall facilitate the exchange of information, from all publicly available sources, relevant to the conservation and sustainable use of biological diversity, taking into account the special needs of developing countries.

2. Such exchange of information shall include exchange of results of technical, scientific and socioeconomic research, as well as information on training and surveying programmes, specialized knowledge, indigenous and traditional knowledge as such and in combination with the technologies referred to in Article 16, paragraph 1. It shall also, where feasible, include repatriation of information.

#### *Article 18* TECHNICAL AND SCIENTIFIC COOPERATION

1. The Contracting Parties shall promote international technical and scientific cooperation in the field of conservation and sustainable use of biological diversity, where necessary, through the appropriate international and national institutions.

2. Each Contracting Party shall promote technical and scientific cooperation with other Contracting Parties, in particular developing countries, in implementing this Convention, inter alia, through the development and implementation of national policies. In promoting such cooperation, special attention should be given to the development and strengthening of national capabilities, by means of human resources development and institution building.

3. The Conference of the Parties, at its first meeting, shall determine how to establish a clearing-house mechanism to promote and facilitate technical and scientific cooperation.

4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional



technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchanging of experts.

5. The Contracting Parties shall, subject to mutual agreement, promote the establishment of joint research programmes and joint ventures for the development of technologies relevant to the objectives of this convention.

#### *Article 19* HANDLING OF BIOTECHNOLOGY AND DISTRIBUTION OF ITS BENEFITS

1. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.

2. Each Contracting Party shall take all practicable measures to promote and advance priority access on a fair and equitable basis by Contracting Parties, especially developing countries, to the results and benefits arising from biotechnologies based upon genetic resources provided by those Contracting Parties. Such access shall be on mutually agreed terms.

3. The Parties shall consider the need for and modalities of a protocol setting out appropriate procedures, including, in particular, advance informed agreement, in the field of the safe transfer, handling and use of any living modified organism resulting from biotechnology that may have adverse effect on the conservation and sustainable use of biological diversity.

4. Each Contracting Party shall, directly or by requiring any natural or legal person under its jurisdiction providing the organisms referred to in paragraph 3 above, provide any available information about the use and safety regulations required by that Contracting Party in handling such organisms, as well as any available information on the potential adverse impact of the specific organisms concerned to the Contracting Party into which those organisms are to be introduced.

#### *Article 20* FINANCIAL RESOURCES

1. Each Contracting Party undertakes to provide, in accordance with its capabilities, financial support and incentives in respect of those national activities which are intended to achieve the objectives of this Convention, in accordance with its national plans, priorities and programmes.

2. The developed country Parties shall provide new and additional financial resources to enable developing country Parties to meet the agreed full incremental costs to them of implementing measures which fulfil the obligations of this Convention and to benefit from its provisions and which costs are agreed between a developing country Party and the institutional structure referred to in Article 21, in accordance with policy, strategy, programme priorities and eligibility criteria and an indicative list of incremental costs established by the Conference of the Parties. Other Parties, including countries undergoing the process of transition to a market economy, may voluntarily assume the obligations of the developed country Parties. For the purpose of this Article, the Conference of the Parties, shall at its first meeting establish a list of developed country Parties and other Parties which voluntarily assume the obligations of the developed country Parties. The Conference of the Parties shall periodically review and 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

There shall be a mechanism for the provision of financial resources to developing country Parties for purposes of this Convention on a grant or concessional basis the essential elements of which are described in this Article. The mechanism shall function under the authority and guidance of, and be accountable to, the Conference of the Parties for purposes of this Convention. The operations of the mechanism shall be carried out by such institutional structure as may be decided upon by the Conference of the Parties at its first meeting. For purposes of this Convention, the Conference of the Parties shall determine the policy, strategy, programme priorities and eligibility criteria relating to the access to and utilization of such resources. The contributions shall be such as to take into account the need for predictability, adequacy and timely flow of funds referred to in Article 20 in accordance with the amount of resources needed to be decided periodically by the Conference of the Parties and the importance of burden-sharing among the contributing Parties included in the list referred to in Article 20, paragraph 2. Voluntary contributions may also be made by the developed country Parties and by other countries and sources. The mechanism shall operate within a democratic and transparent system of governance.

2. Pursuant to the objectives of this Convention, the Conference of the Parties shall at its first meeting determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for eligibility for access to and utilization of the financial resources including monitoring and evaluation on a regular basis of such utilization. The Conference of the Parties shall decide on the arrangements to give effect to paragraph 1 above after consultation

with the institutional structure entrusted with the operation of the financial mechanism.

3. The Conference of the Parties shall review the effectiveness of the mechanism established under this Article, including the criteria and guidelines referred to in paragraph 2 above, not less than two years after the entry into force of this Convention and thereafter on a regular basis. Based on such review, it shall take appropriate action to improve the effectiveness of the mechanism if necessary.

4. The Contracting Parties shall consider strengthening existing financial institutions to provide financial resources for the conservation and sustainable use of biological diversity.

#### *Article 22* RELATIONSHIP WITH OTHER INTERNATIONAL CONVENTIONS

1. The provisions of this Convention shall not affect the rights and obligations of any Contracting Party deriving from any existing international agreement, except where the exercise of those rights and obligations would cause a serious damage or threat to biological diversity.

2. Contracting Parties shall implement this Convention with respect to the marine environment consistently with the rights and obligations of States under the law of the sea.

#### *Article 23* CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of the United Nations Environment Programme not later than one year after

the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

2. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to them by the Secretariat, it is supported by at least one third of the Parties.

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules governing the funding of the Secretariat. At each ordinary meeting, it shall adopt a budget for the financial period until the next ordinary meeting.

4. The Conference of the Parties shall keep under review the implementation of this Convention, and, for this purpose, shall:

- (a) Establish the form and the intervals for transmitting the information to be submitted in accordance with Article 26 and consider such information as well as reports submitted by any subsidiary body;
- (b) Review scientific, technical and technological advice on biological diversity provided in accordance with Article 25;
- (c) Consider and adopt, as required, protocols in accordance with Article 28;
- (d) Consider and adopt, as required, in accordance with Articles 29 and 30, amendments to this Convention and its annexes;
- (e) Consider amendments to any protocol, as well as to any annexes thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned;
- (f) Consider and adopt, as required, in accordance with Article 30, additional annexes to this Convention;
- (g) Establish such subsidiary bodies, particularly to provide scientific and technical advice, as are deemed necessary for the implementation of this Convention;
- (h) Contact, through the Secretariat, the executive bodies of conventions dealing with matters covered by this Convention with a view to establishing appropriate forms of cooperation with them; and
- (i) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation.

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

#### *Article 24* SECRETARIAT

1. A secretariat is hereby established. Its functions shall be:

- (a) To arrange for and service meetings of the Conference of the Parties provided for in Article 23;
- (b) To perform the functions assigned to it by any protocol;
- (c) To prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties;



- (d) To coordinate with other relevant international bodies and, in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
  - (e) To perform such other functions as may be determined by the Conference of the Parties.
2. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

*Article 25* SUBSIDIARY BODY ON SCIENTIFIC, TECHNICAL AND TECHNOLOGICAL ADVICE

1. A subsidiary body for the provision of scientific, technical and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of this Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.
2. Under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request, this body shall:
- (a) Provide scientific and technical assessments of the status of biological diversity;
  - (b) Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;
  - (c) Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies;
  - (d) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity; and
  - (e) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.
3. The functions, terms of reference, organization and operation of this body may be further elaborated by the Conference of the Parties.

*Article 26* REPORTS

Each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention.

*Article 27* SETTLEMENT OF DISPUTES

1. In the event of a dispute between Contracting Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation.
2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.
3. When ratifying, accepting, approving or acceding to this convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

- (a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;
  - (b) Submission of the dispute to the International Court of Justice.
4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.
5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned.

*Article 28*      ADOPTION OF PROTOCOLS

- 1. The Contracting Parties shall cooperate in the formulation and adoption of protocols to this Convention.
- 2. Protocols shall be adopted at a meeting of the Conference of the Parties.
- 3. The text of any proposed protocol shall be communicated to the Contracting Parties by the Secretariat at least six months before such a meeting.

*Article 29*      AMENDMENT OF THE CONVENTION OR PROTOCOLS

- 1. Amendments to this Convention may be proposed by any Contracting Party. Amendments to any protocol may be proposed by any Party to that protocol.
- 2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the Protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties to the instrument in question by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this convention for information.
- 3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention or to any protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties to the instrument in question present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval.
- 4. Ratification, acceptance or approval of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 above shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention or of the Parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.
- 5. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

*Article 30*      ADOPTION AND AMENDMENT OF ANNEXES

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



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

- (a) Annexes to this Convention or to any protocol shall be proposed and adopted according to the procedure laid down in Article 29;
- (b) Any Party that is unable to approve an additional annex to this Convention or an annex to any protocol to which it is Party shall so notify the Depositary, in writing, within one year from the date of the communication of the adoption by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous declaration of objection and the annexes shall thereupon enter into force for that Party subject to subparagraph (c) below;
- (c) on the expiry of one year from the date of the communication of the adoption by the Depositary, the annex shall enter into force for all Parties to this Convention or to any protocol concerned which have not submitted a notification in accordance with the provisions of subparagraph (b) above.

3. The proposal, adoption and entry into force of amendments to annexes to this Convention or to any protocol shall be subject to the same procedure as for the proposal, adoption and entry into force of annexes to the Convention or annexes to any protocol.

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

#### *Article 31* RIGHT TO VOTE

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

#### *Article 3* RELATIONSHIP BETWEEN THIS CONVENTION AND ITS PROTOCOLS

1. A State or a regional economic integration organization may not become a Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.
2. Decisions under any protocol shall be taken only by the Parties to the protocol concerned. Any Contracting Party that has not ratified, accepted or approved a protocol may participate as an observer in any meeting of the parties to that protocol.

#### *Article 33* SIGNATURE

This Convention shall be open for signature at Rio de Janeiro by all states and any regional economic integration organization from 5 June 1992 until 14 June 1992, and at the United Nations Headquarters in New York from 15 June 1992 to 4 June 1993.

#### *Article 34* RATIFICATION, ACCEPTANCE OR APPROVAL

1. This convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be

deposited with the Depositary.

2. Any organization referred to in paragraph 1 above which becomes a Contracting Party to this Convention or any protocol without any of its member states being a Contracting Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of whose member States is a Contracting Party to this Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

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

#### *Article 35* ACCESSION

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

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

3. The provisions of Article 34, paragraph 2, shall apply to regional economic integration organizations which accede to this Convention or any protocol.

#### *Article 36* ENTRY INTO FORCE

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

2. Any protocol shall enter into force on the ninetieth day after the date of deposit of the number of instruments of ratification, acceptance, approval or accession, specified in that protocol, has been deposited.

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

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

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

#### *Article 37* RESERVATIONS

No reservations may be made to this Convention.



*Article 38* WITHDRAWALS

1. At any time after two years from the date on which this Convention has entered into force for a Contracting Party, that Contracting Party may withdraw from the convention by giving written notification to the Depositary.
2. Any such withdrawal shall take place upon expiry of one year after the date of its receipt by the Depositary, or on such later date as may be specified in the notification of the withdrawal.
3. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it is party.

*Article 39* FINANCIAL INTERIM ARRANGEMENTS

Provided that it has been fully restructured in accordance with the requirements of Article 21, the Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development- shall be the institutional structure referred to in Article 21 on an interim basis, for the period between the entry into force of this Convention and the first meeting of the conference of the Parties or until the Conference of the Parties decides which institutional structure will be designated in accordance with Article 21.

*Article 40* SECRETARIAT INTERIM ARRANGEMENTS

The secretariat to be provided by the Executive Director of the United Nations Environment Programme shall be the secretariat referred to in Article 24, paragraph 2, on an interim basis for the period between the entry into force of this Convention and the first meeting of the Conference of the Parties.

*Article 41* DEPOSITARY

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

*Article 42* AUTHENTIC TEXTS

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

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Rio de Janeiro on this fifth day of June, one thousand nine hundred and ninety-two.

## Annex I

### IDENTIFICATION AND MONITORING

1. Ecosystems and habitats: containing high diversity, large numbers of endemic or threatened species, or wilderness; required by migratory species; of social, economic, cultural or scientific importance; or, which are representative, unique or associated with key evolutionary or other biological processes;
2. Species and communities which are: threatened; wild relatives of domesticated or cultivated species; of medicinal, agricultural or other economic value; or social, scientific or cultural importance; or importance for research into the conservation and sustainable use of biological diversity, such as indicator species; and
3. Described genomes and genes of social, scientific or economic importance.

## Annex II

### Part 1: ARBITRATION

#### *Article 1*

The claimant party shall notify the secretariat that the parties are referring a dispute to arbitration pursuant to Article 27. The notification shall state the subject-matter of arbitration and include, in particular, the articles of the Convention or the protocol, the interpretation or application of which are at issue. If the parties do not agree on the subject matter of the dispute before the President of the tribunal is designated, the arbitral tribunal shall determine the subject matter. The secretariat shall forward the information thus received to all Contracting Parties to this Convention or to the protocol concerned.

#### *Article 2*

1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.
2. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.
3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

#### *Article 3*

1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.
2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General who shall make the designation within a further two-month period.

#### *Article 4*

The arbitral tribunal shall render its decisions in accordance with the provisions of this Convention, any protocols concerned, and international law.



*Article 5*

Unless the parties to the dispute otherwise agree, the arbitral tribunal shall determine its own rules of procedure.

*Article 6*

The arbitral tribunal may, at the request of one of the parties, recommend essential interim measures of protection.

*Article 7*

The parties to the dispute shall facilitate the work of the arbitral tribunal and, in particular, using all means at their disposal, shall:

- (a) Provide it with all relevant documents, information and facilities; and
- (b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

*Article 8*

The parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the arbitral tribunal.

*Article 9*

Unless the arbitral tribunal determines otherwise because of the particular circumstances of the case, the costs of the tribunal shall be borne by the parties to the dispute in equal shares. The tribunal shall keep a record of all its costs, and shall furnish a final statement thereof to the parties.

*Article 10*

Any Contracting Party that has an interest of a legal nature in the subject-matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the tribunal.

*Article 11*

The tribunal may hear and determine counterclaims arising directly out of the subject-matter of the dispute.

*Article 12*

Decisions both on procedure and substance of the arbitral tribunal shall be taken by a majority vote of its members.

*Article 13*

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award.

Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

*Article 14*

The tribunal shall render its final decision within five months of the date on which it is fully constituted unless it finds it necessary to extend the time-limit for a period which should not exceed five more months.

*Article 15*

The final decision of the arbitral tribunal shall be confined to the subject-matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the tribunal may attach a separate or dissenting opinion to the final decision.

*Article 16*

The award shall be binding on the parties to the dispute. It shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

*Article 17*

Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

**Part 2: CONCILIATION**

*Article 1*

A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

*Article 2*

In disputes between more than two parties, parties in the same shall appoint their members e 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 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 the party that made the request, make those appointments within a further two-month period.

*Article 5*

The conciliation commission shall take its decisions by majority vote of its members. It shall, unless the parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the



dispute, which the parties shall consider in good faith.

*Article 6*

A disagreement as to whether the conciliation commission has competence shall be decided by the commission.

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## UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Adopted at New York, on 9 May 1992.

### PREAMBLE

The Parties to this Convention,

*Acknowledging* that change in the Earth's climate and its adverse effects are a common concern of humankind,

*Concerned* that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

*Noting* that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

*Aware* of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases,

*Noting* that there are many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof,

*Acknowledging* that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions,

*Recalling* the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

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

*Reaffirming* the principle of sovereignty of States in international cooperation to address climate change,

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

*Recalling* the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989, 45/212 of 21 December 1990 and 46/169 of 19 December 1991 on protection of global climate for present and future generations of mankind,

*Recalling* also the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the implementation of the Plan of Action to Combat Desertification,



*Recalling* further the Vienna Convention for the Protection of the Ozone Layer, 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, as adjusted and amended on 29 June 1990, Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,

*Conscious* of the valuable analytical work being conducted by many States on climate change and of the important contributions of the World Meteorological Organization, the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system, as well as other international and intergovernmental bodies, to the exchange of results of scientific research and the coordination of research,

*Recognizing* that steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas,

*Recognizing* that various actions to address climate change can be justified economically in their own right and can also help in solving other environmental problems,

*Recognizing* also the need for developed countries to take immediate action in a flexible manner on the basis of clear priorities, as a first step towards comprehensive response strategies at the global, national and, where agreed, regional levels that take into account all greenhouse gases, with due consideration of their relative contributions to the enhancement of the greenhouse effect,

*Recognizing* further that low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change,

*Recognizing* the special difficulties of those countries, especially developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions,

*Affirming* that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

*Recognizing* that all countries, especially developing countries, need access to resources required to achieve sustainable social and economic development and that, in order for developing countries to progress towards that goal, their energy consumption will need to grow taking into account the possibilities for achieving greater energy efficiency and for controlling greenhouse gas emissions in general, including through the application of new technologies on terms which make such an application economically and socially beneficial,

*Determined* to protect the climate system for present and future generations,

Have agreed as follows:

#### *Article 1* DEFINITIONS

For the purposes of this Convention:

1. "Adverse effects of climate change" means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.
2. "Climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over

comparable time periods.

3. "Climate system" means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.
4. "Emissions" means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.
5. "Greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.
6. "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.
7. "Reservoir" means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored.
8. "Sink" means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere.
9. "Source" means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere.

#### *Article 2*      OBJECTIVE

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

#### *Article 3*      PRINCIPLES

In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

1. The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.
2. The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration.
3. The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be



comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.

4. The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.

5. The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

#### Article 4 COMMITMENTS

1. All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:

- (a) Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;
- (b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change;
- (c) Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors;
- (d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;
- (e) Cooperate in preparing for adaptation to the impacts of climate change; develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods;
- (f) Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;
- (g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to reduce or eliminate the remaining uncertainties regarding the causes, effects, magnitude and timing of climate change and the economic and social consequences of various response strategies;
- (h) Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical,



socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;

- (I) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations; and
- (j) Communicate to the Conference of the Parties information related to implementation, in accordance with Article 12.

2. The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following:

- (a) Each of these Parties shall adopt national [FOOTNOTE 1: This includes policies and measures adopted by regional economic integration organizations.] 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 Depository that it intends to be bound by subparagraphs (a) and (b) above. The Depository shall inform the other signatories and Parties of any such notification.

3. The developed country Parties and other developed Parties included in Annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

4. The developed country Parties and other developed Parties included in Annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.

5. The developed country Parties and other developed Parties included in Annex II shall take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organizations in a position to do so may also assist in facilitating the transfer of such technologies.

6. In the implementation of their commitments under paragraph 2 above, a certain degree of flexibility shall be allowed by the Conference of the Parties to the Parties included in Annex I undergoing the process of transition to a market economy, in order to enhance the ability of these Parties to address climate change, including with regard to the historical level of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol chosen as a reference.

7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on:

- (a) Small island countries;
- (b) Countries with low-lying coastal areas;
- (c) Countries with arid and semi-arid areas, forested areas and areas liable to forest decay;

- (d) Countries with areas prone to natural disasters;
- (e) Countries with areas liable to drought and desertification;
- (f) Countries with areas of high urban atmospheric pollution;
- (g) Countries with areas with fragile ecosystems, including mountainous ecosystems;
- (h) Countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products; and
- (i) Land-locked and transit countries.

Further, the Conference of the Parties may take actions, as appropriate, with respect to this paragraph.

9. The Parties shall take full account of the specific needs and special situations of the least developed countries in their actions with regard to funding and transfer of technology.

10. The Parties shall, in accordance with Article 10, take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economies that are vulnerable to the adverse effects of the implementation of measures to respond to climate change. This applies notably to Parties with economies that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

#### *Article 5* RESEARCH AND SYSTEMATIC OBSERVATION

In carrying out their commitments under Article 4, paragraph 1(g), the Parties shall:

- (a) Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort;
- (b) Support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in developing countries, and to promote access to, and the exchange of, data and analyses thereof obtained from areas beyond national jurisdiction; and
- (c) Take into account the particular concerns and needs of developing countries and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.

#### *Article 6* EDUCATION, TRAINING AND PUBLIC AWARENESS

In carrying out their commitments under Article 4, paragraph 1(i), the Parties shall:

- (a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities:
  - (i) The development and implementation of educational and public awareness programmes on climate change and its effects;



- (ii) Public access to information on climate change and its effects;
  - (iii) Public participation in addressing climate change and its effects and developing adequate responses; and
  - (iv) Training of scientific, technical and managerial personnel.
- (b) Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:
- (i) The development and exchange of educational and public awareness material on climate change and its effects; and
  - (ii) The development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular for developing countries.

*Article 7* CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.
2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:
  - (a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;
  - (b) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
  - (c) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
  - (d) Promote and guide, in accordance with the objective and provisions of the Convention, the development and periodic refinement of comparable methodologies, to be agreed on by the Conference of the Parties, inter alia, for preparing inventories of greenhouse gas emissions by sources and removals by sinks, and for evaluating the effectiveness of measures to limit the emissions and enhance the removals of these gases;
  - (e) Assess, on the basis of all information made available to it in accordance with the provisions of the Convention, the implementation of the Convention by the Parties, the overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;
  - (f) Consider and adopt regular reports on the implementation of the Convention and ensure their publication;
  - (g) Make recommendations on any matters necessary for the implementation of the Convention;
  - (h) Seek to mobilize financial resources in accordance with Article 4, paragraphs 3, 4 and 5, and Article 11;
  - (i) Establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

- (j) Review reports submitted by its subsidiary bodies and provide guidance to them;
- (k) Agree upon and adopt, by consensus, rules of procedure and financial rules for itself and for any subsidiary bodies;
- (l) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and
- (m) Exercise such other functions as are required for the achievement of the objective of the Convention as well as all other functions assigned to it under the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in Article 21 and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

#### Article 8 SECRETARIAT

1. A secretariat is hereby established.
2. The functions of the secretariat shall be:
  - (a) To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;
  - (b) To compile and transmit reports submitted to it;
  - (c) To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;
  - (d) To prepare reports on its activities and present them to the Conference of the Parties;
  - (e) To ensure the necessary coordination with the secretariats of other relevant international bodies;
  - (f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and



- (g) To perform the other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.
3. The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

*Article 9*      SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE

1. A subsidiary body for scientific and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely information and advice on scientific and technological matters relating to the Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.
2. Under the guidance of the Conference of the Parties, and drawing upon existing competent international bodies, this body shall:
- (a) Provide assessments of the state of scientific knowledge relating to climate change and its effects;
  - (b) Prepare scientific assessments on the effects of measures taken in the implementation of the Convention;
  - (c) Identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies;
  - (d) Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity-building in developing countries; and
  - (e) Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.
3. The functions and terms of reference of this body may be further elaborated by the Conference of the Parties.

*Article 10*      SUBSIDIARY BODY FOR IMPLEMENTATION

1. A subsidiary body for implementation is hereby established to assist the Conference of the Parties in the assessment and review of the effective implementation of the Convention. This body shall be open to participation by all Parties and comprise government representatives who are experts on matters related to climate change. It shall report regularly to the Conference of the Parties on all aspects of its work.
2. Under the guidance of the Conference of the Parties, this body shall:
- (a) Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change;
  - (b) Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2(d); and
  - (c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

*Article 11* FINANCIAL MECHANISM

1. A mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, is hereby defined. It shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention. Its operation shall be entrusted to one or more existing international entities.
2. The financial mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.
3. The Conference of the Parties and the entity or entities entrusted with the operation of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, which shall include the following:
  - (a) Modalities to ensure that the funded projects to address climate change are in conformity with the policies, programme priorities and eligibility criteria established by the Conference of the Parties;
  - (b) Modalities by which a particular funding decision may be reconsidered in light of these policies, programme priorities and eligibility criteria;
  - (c) Provision by the entity or entities of regular reports to the Conference of the Parties on its funding operations, which is consistent with the requirement for accountability set out in paragraph 1 above; and
  - (d) Determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.
4. The Conference of the Parties shall make arrangements to implement the above-mentioned provisions at its first session, reviewing and taking into account the interim arrangements referred to in Article 21, paragraph 3, and shall decide whether these interim arrangements shall be maintained. Within four years thereafter, the Conference of the Parties shall review the financial mechanism and take appropriate measures.
5. The developed country Parties may also provide and developing country Parties avail themselves of, financial resources related to the implementation of the Convention through bilateral, regional and other multilateral channels.

*Article 12* COMMUNICATION OF INFORMATION RELATED TO IMPLEMENTATION

1. In accordance with Article 4, paragraph 1, each Party shall communicate to the Conference of the Parties, through the secretariat, the following elements of information:
  - (a) A national inventory of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, to the extent its capacities permit, using comparable methodologies to be promoted and agreed upon by the Conference of the Parties;
  - (b) A general description of steps taken or envisaged by the Party to implement the Convention; and
  - (c) Any other information that the Party considers relevant to the achievement of the objective of the Convention and suitable for inclusion in its communication, including, if feasible, material relevant for calculations of global emission trends.
2. Each developed country Party and each other Party included in Annex I shall incorporate in its communication the following elements of information:
  - (a) A detailed description of the policies and measures that it has adopted to implement its commitment under



Article 4, paragraphs 2(a) and 2(b); and

- (b) A specific estimate of the effects that the policies and measures referred to in subparagraph (a) immediately above will have on anthropogenic emissions by its sources and removals by its sinks of greenhouse gases during the period referred to in Article 4, paragraph 2(a).
3. In addition, each developed country Party and each other developed Party included in Annex II shall incorporate details of measures taken in accordance with Article 4, paragraphs 3, 4 and 5.
4. Developing country Parties may, on a voluntary basis, propose projects for financing, including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects, along with, if possible, an estimate of all incremental costs, of the reductions of emissions and increments of removals of greenhouse gases, as well as an estimate of the consequent benefits.
5. Each developed country Party and each other Party included in Annex I shall make its initial communication within six months of the entry into force of the Convention for that Party. Each Party not so listed shall make its initial communication within three years of the entry into force of the Convention for that Party, or of the availability of financial resources in accordance with Article 4, paragraph 3. Parties that are least developed countries may make their initial communication at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.
6. Information communicated by Parties under this Article shall be transmitted by the secretariat as soon as possible to the Conference of the Parties and to any subsidiary bodies concerned. If necessary, the procedures for the communication of information may be further considered by the Conference of the Parties.
7. From its first session, the Conference of the Parties shall arrange for the provision to developing country Parties of technical and financial support, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4. Such support may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.
8. Any group of Parties may, subject to guidelines adopted by the Conference of the Parties, and to prior notification to the Conference of the Parties, make a joint communication in fulfillment of their obligations under this Article, provided that such a communication includes information on the fulfillment by each of these Parties of its individual obligations under the Convention.
9. Information received by the secretariat that is designated by a Party as confidential, in accordance with criteria to be established by the Conference of the Parties, shall be aggregated by the secretariat to protect its confidentiality before being made available to any of the bodies involved in the communication and review of information.
10. Subject to paragraph 9 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.

*Article 13* RESOLUTION OF QUESTIONS REGARDING IMPLEMENTATION

The Conference of the Parties shall, at its first session, consider the establishment of a multilateral consultative process, available to Parties on their request, for the resolution of questions regarding the implementation of the Convention.

*Article 14* SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depository that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice, and/or
- (b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depository.

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 Depository.

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 fulfill 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 Depository, 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 Depository.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depository of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

*Article 26*      AUTHENTIC TEXTS

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

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at New York this ninth day of May one thousand nine hundred and ninety-two.

**Annex I**

Australia	Greece	Portugal
Austria	Hungary a/	Romania a/
Belarus a/	Iceland	Russian Federation a/
Belgium	Ireland	Spain
Bulgaria a/	Italy	Sweden
Canada	Japan	Switzerland
Czechoslovakia a/	Latvia a/	Turkey
Denmark	Lithuania a/	Ukraine a/
European Economic Community	Luxembourg	United Kingdom of Great Britain and Northern Ireland
Estonia a/	Netherlands	United States of America
Finland	New Zealand	
France	Norway	
Germany	Poland a/	

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a/ Countries that are undergoing the process of transition to a market economy.

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**Annex II**

Australia	Greece	Portugal
Austria	Iceland	Spain
Belgium	Ireland	Sweden
Canada	Italy	Switzerland
Denmark	Japan	Turkey
European Economic Community	Luxembourg	United Kingdom of Great Britain and Northern Ireland
Finland	Netherlands	United States of America
France	New Zealand	
Germany	Norway	

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## INTERNATIONAL TROPICAL TIMBER AGREEMENT (1994)

### PREAMBLE

The Parties to this Agreement,

*Recalling* the Declaration and the Programme of Action on the Establishment of A New International Economic Order; the Integrated Programme for Commodities; A New Partnership for Development: the Cartagena Commitment and the relevant objectives contained in the Spirit of Cartagena,

*Recalling* the International Tropical Timber Agreement, 1983, and *recognizing* the work of the International Tropical Timber Organization and its achievements since its inception, including a strategy for achieving international trade in tropical timber from sustainably managed sources,

*Recalling further* the Rio Declaration on Environment and Development, the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests, and the relevant Chapters of Agenda 21 as adopted by the United Nations Conference on Environment and Development in June 1992, in Rio de Janeiro; the United Nations Framework Convention on Climate Change; and the Convention on Biological Diversity,

*Recognizing* the importance of timber to the economies of countries with timber-producing forests,

*Further recognizing* the need to promote and apply comparable and appropriate guidelines and criteria for the management, conservation and sustainable development of all types of timber-producing forests,

*Taking into account* the linkages of tropical timber trade and the international timber market and the need for taking a global perspective in order to improve transparency in the international timber market,

*Noting* the commitment of all members, made in Bali, Indonesia, in May 1990, to achieve exports of tropical timber products from sustainably managed sources by the year 2000 and *recognizing* Principle 10 of the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests which states that new and additional financial resources should be provided to developing countries to enable them to sustainably manage, conserve and develop their forests, including through afforestation, reforestation and combating deforestation and forest and land degradation,

*Noting also* the statement of commitment to maintain, or achieve by the year 2000, the sustainable management of their respective forests made by consuming members who are parties to the International Tropical Timber Agreement, 1983 at the fourth session of the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement, 1983 in Geneva on 21 January 1994,

*Desiring* to strengthen the framework of international cooperation and policy development between members in finding solutions to the problems facing the tropical timber economy,

*Have agreed* as follows:

### CHAPTER I. OBJECTIVES

#### Article I OBJECTIVES

Recognizing the sovereignty of members over their natural resources, as defined in Principle I (a) of the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and

Sustainable Development of all Types of Forests, the objectives of the International Tropical Timber Agreement,

1994 (hereinafter referred to as "this Agreement") are:

- (a) To provide an effective framework for consultation, international cooperation and policy development among all members with regard to all relevant aspects of the world timber economy;
- (b) To provide a forum for consultation to promote non-discriminatory timber trade practices
- (c) To contribute to the process of sustainable development;
- (d) To enhance the capacity of members to implement a strategy for achieving exports of tropical timber and timber products from sustainably managed sources by the year 2000;
- (e) To promote the expansion and diversification of international trade in tropical timber from sustainable sources by improving the structural conditions in international markets, by taking into account, on the one hand, a long-term increase in consumption and continuity of supplies, and, on the other, prices which reflect the costs of sustainable forest management and which are remunerative and equitable for members, and the improvement of market access;
- (f) To promote and support research and development with a view to improving forest management and efficiency of wood utilization as well as increasing the capacity to conserve and enhance other forest values in timber-producing tropical forests;
- (g) To develop and contribute towards mechanisms for the provision of new and additional financial resources and expertise needed to enhance the capacity of producing members to attain the objectives of this Agreement;
- (h) To improve market intelligence with a view to ensuring greater transparency in the international timber market, including the gathering, compilation, and dissemination of trade-related data, including data related to species being traded;
- (I) To promote increased and further processing of tropical timber from sustainable sources in producing member countries with a view to promoting their industrialization and thereby increasing their employment opportunities and export earnings;
- (j) To encourage members to support and develop industrial tropical timber reforestation and forest management activities as well as rehabilitation of degraded forest land, with due regard for the interests of local communities dependent on forest resources;
- (k) To improve marketing and distribution of tropical timber exports from sustainably managed sources;
- (i) To encourage members to develop national policies aimed at sustainable utilization and conservation of timber-producing forests and their genetic resources and at maintaining the ecological balance in the regions concerned, in the context of tropical timber trade;
- (m) To promote the access to, and transfer of, technologies and technical cooperation to implement the objectives of this Agreement, including on concessional and preferential terms and conditions, as mutually agreed; and
- (n) To encourage information-sharing on the international timber market.



## CHAPTER II. DEFINITIONS

### Article 2      DEF NITIONS

For the purposes of this Agreement:

1. "Tropical timber" means non-coniferous tropical wood for industrial uses, which grows or is produced in the countries situated between the Tropic of Cancer and the Tropic of Capricorn. The term covers logs, sawnwood, veneer sheets and plywood. Plywood which includes in some measure conifers of tropical origin shall also be covered by this definition;
2. "Further processing" means the transformation of logs into primary wood products, semi-finished and finished products made wholly or almost wholly of tropical timber;
3. "Member" means a Government or an intergovernmental organization referred to in article 5 which has consented to be bound by this Agreement whether it is in force provisionally or definitively;
4. "Producing member" means any country with tropical forest resources and/or a net exporter of tropical timber in volume terms which is listed in annex A and which becomes a party to this Agreement, or any country with tropical forest resources and/or a net exporter of tropical timber in volume terms which is not so listed and which becomes a party to this Agreement and which the Council, with the consent of that country, declares to be a producing member;
5. "Consuming member" means any country listed in annex B which becomes a party to this Agreement, or any country not so listed which becomes a party to this Agreement and which the Council, with the consent of that country, declares to be a consuming member;
6. "Organization" means the International Tropical Timber Organization established in accordance with article 3;
7. "Council" means the International Tropical Timber Council established in accordance with article 6;
8. "Special vote" means a vote requiring at least two thirds of the votes cast by producing members present and voting and at least 60 per cent of the votes cast by consuming members present and voting, counted separately, on condition that these votes are cast by at least half of the producing members present and voting and at least half of the consuming members present and voting;
9. "Simple distributed majority vote" means a vote requiring more than half of the votes cast by producing members present and voting and more than half of the votes cast by consuming members present and voting, counted separately;
10. "Financial year" means the period from 1 January to 31 December inclusive;
11. "Freely usable currencies" means the deutsche mark, the French franc, the Japanese yen, the pound sterling, the United States dollar and any other currency which has been designated from time to time by a competent international monetary organization as being in fact widely used to make payments for international transactions and widely traded in the principal exchange markets.

## CHAPTER III.      ORGANIZATION AND ADMINISTRATION

### Article 3      HEADQUARTERS AND STRUCTURE OF THE INTERNATIONAL TROPICAL TIMBER ORGANIZATION

1. The International Tropical Timber Organization established by the International Tropical Timber Agreement, 1983 shall continue in being for the purposes of administering the provisions and supervising the operation of this Agreement.

2. The Organization shall function through the Council established under article 6, the committees and other subsidiary bodies referred to in article 26 and the Executive Director and staff.
3. The headquarters of the Organization shall be in Yokohama, unless the Council, by special vote, decides otherwise.
4. The headquarters of the Organization shall at all times be located in the territory of a member.

**Article 4 MEMBERSHIP IN THE ORGANIZATION**

There shall be two categories of membership in the Organization, namely: (a) Producing; and (b) Consuming.

**Article 5 MEMBERSHIP BY INTERGOVERNMENTAL ORGANIZATIONS**

1. Any reference in this Agreement to "Governments" shall be construed as including the European Community and any other intergovernmental organization having responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements. Accordingly, any reference in this Agreement to signature, ratification, acceptance or approval, or to notification of provisional application, or to accession shall, in the case of such intergovernmental organizations, be construed as including a reference to signature, ratification, acceptance or approval, or to notification of provisional application, or to accession, by such intergovernmental organizations.
2. In the case of voting on matters within their competence, such intergovernmental organizations shall vote with a number of votes equal to the total number of votes attributable to their member States in accordance with article 10. In such cases, the member States of such intergovernmental organizations shall not be entitled to exercise their individual voting rights.

**CHAPTER IV. INTERNATIONAL TROPICAL TIMBER COUNCIL**

**Article 6 COMPOSITION OF THE INTERNATIONAL TROPICAL TIMBER COUNCIL**

1. The highest authority of the Organization shall be the International Tropical Timber Council, which shall consist of all the members of the Organization.
2. Each member shall be represented in the Council by one representative and may designate alternates and advisers to attend sessions of the Council.
3. An alternate representative shall be empowered to act and vote on behalf of the representative during the latter's absence or in special circumstances.

**Article 7 POWERS AND FUNCTIONS OF THE COUNCIL**

1. The Council shall exercise all such powers and perform or arrange for the performance of all such functions as are necessary to carry out the provisions of this Agreement.
2. The Council shall, by special vote, adopt such rules and regulations as are necessary to carry out the provisions of this Agreement and as are consistent therewith, including its own rules of procedure and the financial rules and staff regulations of the Organization. Such financial rules shall *inter alia*, govern the receipt and expenditure of funds under the Administrative Account, the Special Account and the Bali Partnership Fund. The Council may, in its rules of procedure, provide for a procedure whereby it may, without meeting, decide specific questions.



3. The Council shall keep such records as are required for the performance of its functions under this Agreement.

*Article 8* CHAIRMAN AND VICE-CHAIRMAN OF THE COUNCIL

1. The Council shall elect for each calendar year a Chairman and a Vice-Chairman, whose salaries shall not be paid by the Organization.
2. The Chairman and the Vice-Chairman shall be elected, one from among the representatives of producing members and the other from among the representatives of consuming members. These offices shall alternate each year between the two categories of members, provided, however, that this shall not prohibit the re-election of either or both, under exceptional circumstances, by special vote of the Council.
3. In the temporary absence of the Chairman, the Vice-Chairman shall act in his place. In the temporary absence of both the Chairman and the Vice-Chairman, or in the absence of one or both of them for the rest of the term for which they were elected, the Council may elect new officers from among the representatives of the producing members and/or from among the representatives of the consuming members, as the case may be, on a temporary basis or for the rest of the term for which the predecessor or predecessors were elected.

*Article 9* SESSIONS OF THE COUNCIL

1. As a general rule, the Council shall hold at least one regular session a year.
2. The Council shall meet in special session whenever it so decides or at the request of: (a) The Executive Director, in agreement with the Chairman of the Council; or (b) A majority of producing members or a majority of consuming members; or (c) Members holding at least 500 votes.
3. Sessions of the Council shall be held at the headquarters of the Organization unless the Council, by special vote, decides otherwise. If on the invitation of any member the Council meets elsewhere than at the headquarters of the Organization, that member shall pay the additional cost of holding the meeting away from headquarters.
4. Notice of any sessions and the agenda for such sessions shall be communicated to members by the Executive Director at least six weeks in advance, except in cases of emergency, when notice shall be communicated at least seven days in advance.

*Article 10* DISTRIBUTION OF VOTES

1. The producing members shall together hold 1,000 votes and the consuming members shall together hold 1,000 votes.
2. The votes of the producing members shall be distributed as follows:
  - (a) Four hundred votes shall be distributed equally among the three producing regions of Africa, Asia-Pacific and Latin America. The votes thus allocated to each of these regions shall then be distributed equally among the producing members of that region; (b) Three hundred votes shall be distributed among the producing members in accordance with their respective shares of the total tropical forest resources of all producing members; and (c) Three hundred votes shall be distributed among the producing members in proportion to the average of the values of their respective net exports of tropical timber during the most recent three-year period for which definitive figures are available.
3. Notwithstanding the provisions of paragraph 2 of this article, the total votes allocated to the producing members from the African region, calculated in accordance with paragraph 2 of this article, shall be distributed equally among all producing members from the African region. If there are any remaining votes, each of these votes shall be allocated to a producing member from the African region: the first to the producing member which is allocated the highest number of

votes calculated in accordance with paragraph 2 of this article, the second to the producing member which is allocated the second highest number of votes, and so on until all the remaining votes have been distributed.

4. For purposes of the calculation of the distribution of votes under paragraph 2 (b) of this article, "tropical forest resources" means productive closed broad-leaved forests as defined by the Food and Agriculture Organization (FAO).

5. The votes of the consuming members shall be distributed as follows: each consuming member shall have 10 initial votes; the remaining votes shall be distributed among the consuming members in proportion to the average volume of their respective net imports of tropical timber during the three-year period commencing four calendar years prior to the distribution of votes.

6. The Council shall distribute the votes for each financial year at the beginning of its first session of that year in accordance with the provisions of this article. Such distribution shall remain in effect for the rest of that year, except as provided for in paragraph 7 of this article.

7. Whenever the membership of the Organization changes or when any member has its voting rights suspended or restored under any provision of this Agreement, the Council shall redistribute the votes within the affected category or categories of members in accordance with the provisions of this article. The Council shall, in that event, decide when such redistribution shall become effective.

8. There shall be no fractional votes.

#### *Article 11* VOTING PROCEDURE OF THE COUNCIL

1. Each member shall be entitled to cast the number of votes it holds and no member shall be entitled to divide its votes. A member may, however, cast differently from such votes any votes which it is authorized to cast under paragraph 2 of this article.

2. By written notification to the Chairman of the Council, any producing member may authorize, under its own responsibility, any other producing member, and any consuming member may authorize, under its own responsibility, any other consuming member, to represent its interests and to cast its votes at any meeting of the Council.

3. When abstaining, a member shall be deemed not to have cast its votes.

#### *Article 12* DECISIONS AND RECOMMENDATIONS OF THE COUNCIL

1. The Council shall endeavour to take all decisions and to make all recommendations by consensus. If consensus cannot be reached, the Council shall take all decisions and make all recommendations by a simple distributed majority vote, unless this Agreement provides for a special vote.

2. Where a member avails itself of the provisions of article 11, paragraph 2, and its votes are cast at a meeting of the Council, such member shall, for the purposes of paragraph 1 of this article, be considered as present and voting.

#### *Article 13* QUORUM FOR THE COUNCIL

1. The quorum for any meeting of the Council shall be the presence of a majority of members of each category referred to in article 4, provided that such members hold at least two thirds of the total votes in their respective categories.

2. If there is no quorum in accordance with paragraph 1 of this article on the day fixed for the meeting and on the following day, the quorum on the subsequent days of the session shall be the presence of a majority of members of each category referred to in article 4, provided that such members hold a majority of the total votes in their respective categories.



3. Representation in accordance with article 11, paragraph 2, shall be considered as presence.

*Article 14* COOPERATION AND COORDINATION WITH OTHER ORGANIZATIONS

1. The Council shall make arrangements as appropriate for consultations and cooperation with the United Nations and its organs, including the United Nations Conference on Trade and Development (UNCTAD) and the Commission on Sustainable Development (CSD), intergovernmental organizations, including the General Agreement on Tariffs and Trade (GATT) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), and non-governmental organizations.
2. The Organization shall, to the maximum extent possible, utilize the facilities, services and expertise of existing intergovernmental, governmental or non-governmental organizations, in order to avoid duplication of efforts in achieving the objectives of this Agreement and to enhance the complementarity and the efficiency of their activities.

*Article 15* ADMISSION OF OBSERVERS

The Council may invite any non-member Government or any of the organizations referred to in article 14, article 20 and article 29, interested in the activities of the Organization to attend as observers any of the meetings of the Council.

*Article 16* EXECUTIVE DIRECTOR AND STAFF

1. The Council shall, by special vote, appoint the Executive Director.
2. The terms and conditions of appointment of the Executive Director shall be determined by the Council.
3. The Executive Director shall be the chief administrative officer of the Organization and shall be responsible to the Council for the administration and operation of this Agreement in accordance with decisions of the Council.
4. The Executive Director shall appoint the staff in accordance with regulations to be established by the Council. The Council shall, by special vote, decide the number of executive and professional staff the Executive Director may appoint. Any changes in the number of executive and professional staff shall be decided by the Council by special vote. The staff shall be responsible to the Executive Director.
5. Neither the Executive Director nor any member of the staff shall have any financial interest in the timber industry or trade, or associated commercial activities.
6. In the performance of their duties, the Executive Director and staff shall not seek or receive instructions from any member or from any authority external to the Organization. They shall refrain from any action which might reflect adversely on their positions as international officials ultimately responsible to the Council. Each member shall respect the exclusively international character of the responsibilities of the Executive Director and staff and shall not seek to influence them in the discharge of their responsibilities.

**CHAPTER V. PRIVILEGES AND IMMUNITIES**

*Article 17* PRIVILEGES AND IMMUNITIES

1. The Organization shall have legal personality. It shall in particular have the capacity to contract, to acquire and dispose of movable and immovable property, and to institute legal proceedings.

2. The status, privileges and immunities of the Organization, of its Executive Director, its staff and experts, and of representatives of members while in the territory of Japan shall continue to be governed by the Headquarters Agreement between the Government of Japan and the International Tropical Timber Organization signed at Tokyo on 27 February 1988, with such amendments as may be necessary for the proper functioning of this Agreement.
3. The Organization may conclude, with one or more countries, agreements to be approved by the Council relating to such capacity, privileges and immunities as may be necessary for the proper functioning of this Agreement.
4. If the headquarters of the Organization is moved to another country, the member in question shall, as soon as possible, conclude with the organization a headquarters agreement to be approved by the Council. Pending the conclusion of such an Agreement, the Organization shall request the new host Government to grant, within the limits of its national legislation, exemption from taxation on remuneration paid by the Organization to its employees, and on the assets, income and other property of the Organization.
5. The headquarters agreement shall be independent of this Agreement. It shall, however, terminate: (a) By agreement between the host Government and the Organization; (b) In the event of the headquarters of the Organization being moved from the country of the host Government; or (c) In the event of the Organization ceasing to exist.

## **CHAPTER VI. FINANCE**

### *Article 18* FINANCIAL ACCOUNTS

1. There shall be established: (a) The Administrative Account; (b) The Special Account; (c) The Bali Partnership Fund; and (d) Such other accounts as the Council shall deem appropriate and necessary.
2. The Executive Director shall be responsible for the administration of these accounts and the Council shall make provision therefor in the financial rules of the Organization.

### *Article 19* ADMINISTRATIVE ACCOUNT

1. The expenses necessary for the administration of this Agreement shall be brought into the Administrative Account and shall be met by annual contributions paid by members in accordance with their respective constitutional or institutional procedures and assessed in accordance with paragraphs 3, 4 and 5 of this article.
2. The expenses of delegations to the Council, the committees and any other subsidiary bodies of the Council referred to in article 26 shall be met by the members concerned. In cases where a member requests special services from the Organization, the Council shall require that member to pay the costs of such services.
3. Before the end of each financial year, the Council shall approve the administrative budget of the Organization for the following financial year and shall assess the contribution of each member to that budget.
4. The contribution of each member to the administrative budget for each financial year shall be in the proportion which the number of its votes at the time the administrative budget for that financial year is approved bears to the total votes of all the members. In assessing contributions, the votes of each member shall be calculated without regard to the suspension of any member's voting rights or any redistribution of votes resulting therefrom.
5. The initial contribution of any member joining the Organization after the entry into force of this Agreement shall be assessed by the Council on the basis of the number of votes to be held by that member and the period remaining in the current financial year, but the assessment made upon other members from the current financial year shall not thereby be altered.
6. Contributions to administrative budgets shall become due on the first day of each financial year. Contributions of



members in respect of the financial year in which they join the Organization shall be due on the date on which they become members.

7. If a member has not paid its full contribution to the administrative budget within four months after such contribution becomes due in accordance with paragraph 6 of this article, the Executive Director shall request that member to make payment as quickly as possible. If that member has still not paid its contribution within two months after such request, that member shall be requested to state the reasons for its inability to make payment. If at the expiry of seven months from the due date of contribution, that member has still not paid its contribution, its voting rights shall be suspended until such time as it has paid in full its contribution, unless the Council, by special vote, decides otherwise. If, on the contrary, a member has paid its full contribution to the administrative budget within four months after such contribution becomes due in accordance with paragraph 6 of this article, the member's contribution shall receive a discount as may be established by the Council in the financial rules of the Organization.

8. A member whose rights have been suspended under paragraph 7 of this article shall remain liable to pay its contribution.

**Article 20** SPECIAL 24CCOUNT

1. There shall be established two sub-accounts under the Special Account: (a) The Pre-Project Sub-Account; and (b) The Project Sub-Account.

2. The possible sources of finance for the Special Account may be: (a) The Common Fund for Commodities; (b) Regional and international financial institutions; and (c) Voluntary contributions.

3. The resources of the Special Account shall be used only for approved pre-projects or projects.

4. All expenditures under the Pre-Project Sub-Account shall be reimbursed from the Project Sub-Account if projects are subsequently approved and funded. If within six months of the entry into force of this Agreement the Council does not receive any funds for the Pre-Project Sub-Account, it shall review the situation and take appropriate action.

5. All receipts pertaining to specific identifiable pre-projects or projects under the Special Account shall be brought into that Account. All expenditures incurred on such pre-projects or projects, including remuneration and travel expenses of consultants and experts, shall be charged to the same Account.

6. The Council shall, by special vote, establish terms and conditions on which it would, when and where appropriate, sponsor projects for loan financing, where a member or members have voluntarily assumed full obligations and responsibilities for such loans. The Organization shall have no obligations for such loans.

7. The Council may nominate and sponsor any entity with the consent of that entity, including a member or members, to receive loans for the financing of approved projects and to undertake all the obligations involved, except that the Organization shall reserve to itself the right to monitor the use of resources and to follow up on the implementation of projects so financed. However, the Organization shall not be responsible for guarantees voluntarily provided by individual members or other entities.

8. No member shall be responsible by reason of its membership in the Organization for any liability arising from borrowing or lending by any other member or entity in connection with projects.

9. In the event that voluntary un earmarked funds are offered to the Organization, the Council may accept such funds. Such funds may be utilized for approved pre-projects and projects.

10. The Executive Directive shall endeavour to seek, on such terms and conditions as the Council may decide, adequate and assured finance for pre-projects and projects approved by the Council.

11. Contributions for specified approved projects shall be used only for the projects for which they were originally

intended, unless otherwise decided by the Council in agreement with the contributor. After the completion of a project, the Organization shall return to each contributor for specific projects the balance of any funds remaining pro rata to each contributor's share in the total of the contributions originally made available for financing that project, unless otherwise agreed to by the contributor.

*Article 21* THE BALI PARTNERSHIP FUND

1. A Fund for sustainable management of tropical timber-producing forests is hereby established to assist producing members to make the investments necessary to achieve the objective of article I (d) of this Agreement.
2. The Fund shall be constituted by: (a) Contributions from donor members; (b) Fifty per cent of income earned as a result of activities related to the Special Account; (c) Resources from other private and public sources which the Organization may accept consistent with its financial rules.
3. Resources of the Fund shall be allocated by the Council only for preprojects and projects for the purpose set out in paragraph I of this article and approved in accordance with article 25.
4. In allocating resources of the Fund, the Council shall take into account:
  - (a) The special needs of members whose forestry sectors' contribution to their economies is adversely affected by the implementation of the strategy for achieving the exports of tropical timber and timber products from sustainably managed sources by the year 2000;
  - (b) The needs of members with significant forest areas who establish conservation programmes in timber-producing forests.
5. The Council shall examine annually the adequacy of the resources available to the Fund and endeavour to obtain additional resources needed by producing members to achieve the purpose of the Fund. The ability of members to implement the strategy referred to in paragraph 4 (a) of this article will be influenced by the availability of resources.
6. The Council shall establish policies and financial rules for the operation of the Fund, including rules covering the settlement of accounts on termination or expiry of this Agreement.

*Article 22* FORMS OF PAYMENT

1. Contributions to the Administrative Account shall be payable in freely usable currencies and shall be exempt from foreign-exchange restrictions.
2. Financial contributions to the Special Account and the Bali Partnership Fund shall be payable in freely usable currencies and shall be exempt from foreign-exchange restrictions.
3. The council may also decide to accept other forms of contributions to the Special Account or the Bali Partnership Fund, including scientific and technical equipment or personnel, to meet the requirements of approved projects.

*Article 23* AUDIT AND PUBLICATION OF ACCOUNTS

1. The Council shall appoint independent auditors for the purpose of auditing the accounts of the Organization.
2. Independently audited statements of the Administrative Account, of the Special Account and of the Bali Partnership Fund shall be made available to members as soon as possible after the close of each financial year, but not later than six months after that date, and be considered for approval by the Council at its next session, as appropriate. A summary of the audited accounts and balance sheet shall thereafter be published.



## CHAPTER VII. OPERATIONAL ACTIVITIES

### *Article 24* POLICY WORK OF THE ORGANIZATION

In order to achieve the objectives set out in article 1, the Organization shall undertake policy work and project activities in the areas of Economic Information and Market Intelligence, Reforestation and Forest Management and Forest Industry, in a balanced manner, to the extent possible integrating policy work and project activities.

### *Article 25* PROJECT ACTIVITIES OF THE ORGANIZATION

1. Bearing in mind the needs of developing countries, members may submit pre-project and project proposals to the Council in the fields of research and development, market intelligence, further and increased wood processing in producing member countries, and reforestation and forest management. Pre-projects and projects should contribute to the achievement of one or more of the objectives of this Agreement.

2. The Council, in approving pre-projects and projects, shall take into account:

- (a) Their relevance to the objectives of this Agreement;
- (b) Their environmental and social effects;
- (c) The desirability of maintaining an appropriate geographical balance;
- (d) The interests and characteristics of each of the developing producing regions;
- (e) The desirability of equitable distribution of resources among the fields referred to in paragraph 1 of this article;
- (f) Their cost-effectiveness; and
- (g) The need to avoid duplication of efforts.

3. The Council shall establish a schedule and procedure for submitting, appraising, and prioritizing pre-projects and projects seeking funding from the Organization, as well as for their implementation, monitoring and evaluation. The Council shall decide on the approval of pre-projects and projects for financing or sponsorship in accordance with article 20 or article 21.

4. The Executive Director may suspend disbursement of the Organization's funds to a pre-project or project if they are being used contrary to the project document on in cases of fraud, waste, neglect or mismanagement. The Executive Director will provide to the Council at its next session a report for its consideration. The Council shall take appropriate action.

5. The Council may, by special vote, terminate its sponsorship of any preproject or project.

### *Article 26* ESTABLISHMENT OF COMMITTEES

1. The following are hereby established as Committees of the Organization:

- (a) Committee on Economic Information and Market Intelligence;
- (b) Committee on Reforestation and Forest Management;

- (c) Committee on Forest Industry; and
  - (d) Committee on Finance and Administration.
2. The Council may, by special vote, establish such other committees and subsidiary bodies as it deems appropriate and necessary.
3. Participation in each of the committees shall be open to all members. The rules of procedure of the committees shall be decided by the Council.
4. The committees and subsidiary bodies referred to in paragraphs 1 and 2 of this article shall be responsible to, and work under the general direction of, the Council. Meetings of the committees and subsidiary bodies shall be convened by the Council.

Article 27 FUNCTIONS OF THE COMMITTEE

1. The Committee on Economic Information and Market Intelligence shall:
- (a) Keep under review the availability and quality of statistics and other information required by the Organization;
  - (b) Analyse the statistical data and specific indicators as decided by the Council for the monitoring of international timber trade;
  - (c) Keep under continuous review the international timber market, its current situation and short-term prospects on the basis of the data mentioned in subparagraph (b) above and other relevant information, including information related to undocumented trade;
  - (d) Make recommendations to the Council on the need for, and nature of, appropriate studies on tropical timber, including prices, market elasticity, market substitutability, marketing of new products, and long-term prospects of the international tropical timber market, and monitor and review any studies commissioned by the Council;
  - (e) Carry out any other tasks related to the economic, technical and statistical aspects of timber assigned to it by the Council;
  - (f) Assist in the provision of technical cooperation to developing member countries to improve their relevant statistical services.
2. The Committee on Reforestation and Forest Management shall:
- (a) Promote cooperation between members as partners in development of forest activities in member countries, *inter alia*, in the following areas:
    - (i) Reforestation;
    - (ii) Rehabilitation;
    - (iii) Forest management;
  - (a) Encourage the increase of technical assistance and transfer of technology in the fields of reforestation and forest management to developing countries;
  - (b) Follow up ongoing activities in this field, and identify and consider problems and possible solutions to them in cooperation with the competent organizations;
  - (c) Review regularly the future needs of international trade in industrial tropical timber and, on this basis, identify and consider appropriate possible schemes and measures in the field of reforestation, rehabilitation and forest management;



- (d) Facilitate the transfer of knowledge in the field of reforestation and forest management with the assistance of competent organizations;
- (e) Coordinate and harmonize these activities for cooperation in the field of reforestation and forest management with relevant activities pursued elsewhere, such as those under the auspices of the Food and Agriculture Organization of the United Nations (FAO), the United Nations Environment Programme (UNEP), the World Bank, the United Nations Development Programme (UNDP), regional development banks and other competent organizations.

3. The Committee on Forest Industry shall:

- (a) Promote cooperation between member countries as partners in the development of processing activities in producing member countries, *inter alia*, in the following areas:
  - (i) Product development through transfer of technology;
  - (ii) Human resources development and training;
  - (iii) Standardization of nomenclature of tropical timber;
  - (iv) Harmonization of specifications of processed projects;
  - (v) Encouragement of investment and joint ventures; and
  - (vi) Marketing, including the promotion of lesser known and lesser used species;
- (b) Promote the exchange of information in order to facilitate structural changes involved in increased and further processing in the interests of all member countries, in particular developing member countries;
- (c) Follow up ongoing activities in this field, and identify and consider problems and possible solutions to them in cooperation with the competent organizations;
- (d) Encourage the increase of technical cooperation for the processing of tropical timber for the benefit of producing member countries.

4. In order to promote the policy and project work of the Organization in a balanced manner, the Committee on Economic Information and Market Intelligence, the Committee on Reforestation and Forest Management and the Committee on Forest Industry shall each:

- (a) Be responsible for ensuring the effective appraisal, monitoring and evaluation of pre-projects and projects;
- (b) Make recommendations to the Council relating to pre-projects and projects;
- (c) Follow up the implementation of pre-projects and projects and provide for the collection and dissemination of their results as widely as possible for the benefit of all members;
- (d) Develop and advance policy ideas to the Council;
- (e) Review regularly the results of project and policy work and make recommendations to the Council on the future of the Organization's programme;
- (f) Review regularly the strategies, criteria and priority areas for programme development and project work contained in the Organization's Action Plan and recommend revisions to the Council;

- (g) Take account of the need to strengthen capacity building and human resource development in member countries;
  - (h) Carry out any other task related to the objectives of this Agreement assigned to them by the Council.
5. Research and development shall be a common function of the Committees referred to in paragraphs 1, 2, and 3 of this article.
6. The Committee on Finance and Administration shall:
- (a) Examine and make recommendations to the Council regarding the approval of the Organization's administrative budget proposals and the management operations of the Organization;
  - (b) Review the assets of the Organization to ensure prudent asset management and that the Organization has sufficient reserves to carry out its work;
  - (c) Examine and make recommendations to the Council on the budgetary implications of the Organization's annual work programme, and the actions that might be taken to secure the resources needed to implement it;
  - (d) Recommend to the Council the choice of independent auditors and review the independent audited statements;
  - (e) Recommend to the Council any modifications it may judge necessary to the Rules of Procedure or the Financial Rules;
  - (f) Review the Organization's revenues and the extent to which they constrain the work of the Secretariat.

## **CHAPTER VIII. RELATIONSHIP WITH THE COMMON FUND FOR COMMODITIES**

### *Article 28* RELATIONSHIP WITH THE COMMON FUND FOR COMMODITIES

The Organization shall take full advantage of the facilities of the Common Fund for Commodities.

## **CHAPTER IX. STATISTICS, STUDIES AND INFORMATION**

### *Article 29* STATISTICS, STUDIES AND INFORMATION

1. The Council shall establish close relationships with relevant intergovernmental, governmental and non-governmental organizations, in order to help ensure the availability of recent reliable data and information on the trade in tropical timber, as well as relevant information on non-tropical timber and on the management of timber-producing forests. As deemed necessary for the operation of this Agreement, the Organization, in cooperation with such organizations, shall compile, collate and, where relevant publish statistical information on production, supply, trade, stocks, consumption and market prices of timber, the extent of timber resources and the management of timber-producing forests.

2. Members shall, to the fullest extent possible not inconsistent with their national legislation, furnish, within a reasonable time, statistics and information on timber, its trade and the activities aimed at achieving sustainable management of timber-producing forests as well as other relevant information as requested by the Council. The Council shall decide on the type of information to be provided under this paragraph and on the format in which it is to be



presented.

3. The Council shall arrange to have any relevant studies undertaken of the trends and of short- and long-term problems of the international timber markets and of the progress towards the achievement of sustainable management of timber-producing forests.

*Article 30* ANNUAL REPORT AND REVIEW

1. The Council shall, within six months after the close of each calendar year, publish an annual report on its activities and such other information as it considers appropriate.
2. The Council shall annually review and assess:
  - (a) The international timber situation;
  - (b) Other factors, issues and developments considered relevant to achieve the objectives of this Agreement.
3. The review shall be carried out in the light of:
  - (a) Information supplied by members in relation to national production, trade, supply, stocks, consumption and prices of timber;
  - (b) Other statistical data and specific indicators provided by members as requested by the Council;
  - (c) Information supplied by members on their progress towards the sustainable management of their timber-producing forests;
  - (d) Such other relevant information as may be available to the Council either directly or through the organizations in the United Nations system and intergovernmental, governmental or non-governmental organizations.
4. The Council shall promote the exchange of views among member countries regarding: (a) The status of sustainable management of timber-producing forests and related matters in member countries; (b) Resource flows and requirements in relation to objectives, criteria and guidelines set by the Organization.
5. Upon request, the Council shall endeavour to enhance the technical capacity of member countries, in particular developing member countries, to obtain the data necessary for adequate information-sharing, including the provision of resources for training and facilities to members.
6. The results of the review shall be included in the reports of the Council's deliberations.

**CHAPTER X. MISCELLANEOUS**

*Article 31* COMPLAINTS AND DISPUTES

Any complaint that a member has failed to fulfill its obligations under this Agreement and any dispute concerning the interpretation or application of this Agreement shall be referred to the Council for decision. Decisions of the Council on these matters shall be final and binding.

*Article 32* GENERAL OBLIGATIONS OF MEMBERS

1. Members shall, for the duration of this Agreement, use their best endeavours and cooperate to promote the attainment of its objectives and to avoid any action contrary thereto.
2. Members undertake to accept and carry out the decisions of the Council under the provisions of this Agreement and

shall refrain from implementing measures which would have the effect of limiting or running counter to them.

*Article 33* RELIEF FROM OBLIGATIONS

1. Where it is necessary on account of exceptional circumstances or emergency or *force majeure* not expressly provided for in this Agreement, the Council may, by special vote, relieve a member of an obligation under this Agreement if it is satisfied by an explanation from that member regarding the reasons why the obligation cannot be met.
2. The Council, in granting relief to a member under paragraph 1 of this article, shall state explicitly the terms and conditions on which, and the period for which, the member is relieved of such obligation, and the reasons for which the relief is granted.

*Article 34* DIFFERENTIAL AND REMEDIAL MEASURES AND SPECIAL MEASURES

1. Developing importing members whose interests are adversely affected by measures taken under this Agreement may apply to the Council for appropriate differential and remedial measures. The Council shall consider taking appropriate measures in accordance with section III, paragraphs 3 and 4, of resolution 93 (IV) of the United Nations Conference on Trade and Development.
2. Members in the category of least developed countries as defined by the United Nations may apply to the Council for special measures in accordance with section III, paragraph 4, of resolution 93 (IV) and with paragraphs 56 and 57 of the Paris Declaration and Programme of Action for the Least Developed Countries for the 1990s.

*Article 35* REVIEW

The Council shall review the scope of this Agreement four years after its entry into force.

*Article 36* NON-DISCRIMINATION

Nothing in this Agreement authorizes the use of measures to restrict or ban international trade in, and in particular as they concern imports of and utilization of, timber and timber products.

## CHAPTER XI. FINAL PROVISIONS

*Article 37* DEPOSITARY

The Secretary-General of the United Nations is hereby designated as the depositary of this Agreement.

*Article 38* SIGNATURE, RATIFICATION, ACCEPTANCE AND APPROVAL

1. This Agreement shall be open for signature, at United Nations Headquarters from 1 April 1994 until one month after the date of its entry into force, by Governments invited to the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement, 1983.
2. Any Government referred to in paragraph 1 of this article may: (a) At the time of signing this Agreement, declare that by such signature it expresses its consent to be bound by this Agreement (definitive signature); or (b) After signing this Agreement, ratify, accept or approve it by the deposit of an instrument to that effect with the depositary.



*Article 39*      *ACCESSION*

1. This Agreement shall be open for accession by the Governments of all States upon conditions established by the Council, which shall include a time-limit for the deposit of instruments of accession. The Council may, however, grant extensions of time to Governments which are unable to accede by the time-limit set in the conditions of accession.
2. Accession shall be effected by the deposit of an instrument of accession with the depositary.

*Article 40*      *NOTIFICATION OF PROVISIONAL APPLICATION*

A signatory Government which intends to ratify, accept or approve this Agreement, or a Government for which the Council has established conditions for accession but which has not yet been able to deposit its instrument, may, at any time, notify the depositary that it will apply this Agreement provisionally either when it enters into force in accordance with article 41, or, if it is already in force, at a specified date.

*Article 41*      *ENTRY INTO FORCE*

1. This Agreement shall enter into force definitively on 1 February 1995 or on any date thereafter, if 12 Governments of producing countries holding at least 55 per cent of the total votes as set out in annex A to this Agreement, and 16 Governments of consuming countries holding at least 70 per cent of the total votes as set out in annex B to this Agreement have signed this Agreement definitively or have ratified, accepted or approved it or acceded thereto pursuant to article 38, paragraph 2, or article 39.
2. If this Agreement has not entered into force definitively on 1 February 1995, it shall enter into force provisionally on that date or on any date within six months thereafter, if 10 Governments of producing countries holding at least 50 per cent of the total votes as set out in annex A to this Agreement, and 14 Governments of consuming countries holding at least 65 per cent of the total votes as set out in annex B to this Agreement have signed this Agreement definitively or have ratified, accepted or approved it pursuant to article 38, paragraph 2, or have notified the depositary under article 40 that they will apply this Agreement provisionally.
3. If the requirements for entry into force under paragraph 1 or paragraph 2 of this article have not been met on 1 September 1995, the Secretary-General of the United Nations shall invite those Governments which have signed this Agreement definitively or have ratified, accepted or approved it pursuant to article 38, paragraph 2, or have notified the depositary that they will apply this Agreement provisionally, to meet at the earliest time practicable to decide whether to put this Agreement into force provisionally or definitively among themselves in whole or in part. Governments which decide to put this Agreement into force provisionally among themselves may meet from time to time to review the situation and decide whether this Agreement shall enter into force definitively among themselves.
4. For any Government which has not notified the depositary under article 40 that it will apply this Agreement provisionally and which deposits its instrument of ratification, acceptance, approval or accession after the entry into force of this Agreement, this Agreement shall enter into force on the date of such deposit.
5. The Executive Director of the Organization shall convene the Council as soon as possible after the entry into force of this Agreement.

*Article 42*      *AMENDMENTS*

1. The Council may, by special vote, recommend an amendment of this Agreement to members.
2. The Council shall fix a date by which members shall notify the depositary of their acceptance of the amendment.
3. An amendment shall enter into force 90 days after the depositary has received notifications of acceptance from

members constituting at least two thirds of the producing members and accounting for at least 75 per cent of the votes of the producing members, and from members constituting at least two thirds of the consuming members and accounting for at least 75 per cent of the votes of the consuming members.

4. After the depositary informs the Council that the requirements for entry into force of the amendment have been met, and notwithstanding the provisions of paragraph 2 of this article relating to the date fixed by the Council, a member may still notify the depositary of its acceptance of the amendment, provided that such notification is made before the entry into force of the amendment.

5. Any member which has not notified its acceptance of an amendment by the date on which such amendment enters into force shall cease to be a party to this Agreement as from that date, unless such member has satisfied the Council that its acceptance could not be obtained in time owing to difficulties in completing its constitutional or institutional procedures, and the Council decides to extend for that member the period for acceptance of the amendment. Such member shall not be bound by the amendment before it has notified its acceptance thereof.

6. If the requirements for the entry into force of the amendment have not been met by the date fixed by the Council in accordance with paragraph 2 of this article, the amendment shall be considered withdrawn.

*Article 43*      **WITHDRAWAL**

1. A member may withdraw from this Agreement at any time after the entry into force of this Agreement by giving written notice of withdrawal to the depositary. That member shall simultaneously inform the Council of the action it has taken.

2. Withdrawal shall become effective 90 days after the notice is received by the depositary.

3. Financial obligations to the Organization incurred by a member under this Agreement shall not be terminated by its withdrawal.

*Article 44*      **EXCLUSION**

If the Council decides that any member is in breach of its obligations under this Agreement and decides further that such breach significantly impairs the operation of this Agreement, it may, by special vote, exclude that member from this Agreement. The Council shall immediately so notify the depositary. Six months after the date of the Council's decision, that member shall cease to be a party to this Agreement.

*Article 45*      **SETTLEMENT OF ACCOUNTS WITH WITHDRAWING OR EXCLUDED MEMBERS OR MEMBERS UNABLE TO ACCEPT AN AMENDMENT**

1. The Council shall determine any settlement of accounts with a member which ceases to be a party to this Agreement owing to: (a) Non-acceptance of an amendment to this Agreement under article 42; (b) Withdrawal from this Agreement under article 43; or (c) Exclusion from this Agreement under article 44.

2. The Council shall retain any contribution paid to the Administrative Account, to the Special Account or to the Bali Partnership Fund by a member which ceases to be a party to this Agreement.

3. A member which has ceased to be a party to this Agreement shall not be entitled to any share of the proceeds of liquidation or the other assets of the Organization. Nor shall such member be liable for payment of any part of the deficit, if any, of the Organization upon termination of this Agreement.



*Article 46*      *DURATION, EXTENSION AND TERMINATION*

1. This Agreement shall remain in force for a period of four years after its entry into force unless the Council, by special vote, decides to extend, renegotiate or terminate it in accordance with the provisions of this article.
2. The Council may, by special vote, decide to extend this Agreement for two periods of three years each.
3. If, before the expiry of the four-year period referred to in paragraph 1 of this article, or before the expiry of an extension period referred to in paragraph 2 of this article, as the case may be, a new agreement to replace this Agreement has been negotiated but has not yet entered into force either definitively or provisionally, the Council may, by special vote, extend this Agreement until the provisional or definitive entry into force of the new agreement.
4. If a new agreement is negotiated and enters into force during any period of extension of this Agreement under paragraph 2 or paragraph 3 of this article, this Agreement, as extended, shall terminate upon the entry into force of the new agreement.
5. The Council may at any time, by special vote, decide to terminate this Agreement with effect from such date as it may determine.
6. Notwithstanding the termination of this Agreement, the Council shall continue in being for a period not exceeding 18 months to carry out the liquidation of the Organization, including the settlement of accounts, and, subject to relevant decisions to be taken by special vote, shall have during that period such powers and functions as may be necessary for these purposes.
7. The Council shall notify the depositary of any decision taken under this article.

*Article 47*      *RESERVATIONS*

Reservations may not be made with respect to any of the provisions of this Agreement.

*Article 48*      *SUPPLEMENTARY AND TRANSITIONAL PROVISIONS*

1. This Agreement shall be the successor to the International Tropical Timber Agreement, 1983.
2. All acts by or on behalf of the Organization or any of its organs under the International Tropical Timber Agreement, 1983, which are in effect on the date of entry into force of this Agreement and the terms of which do not provide for expiry on that date shall remain in effect unless changed under the provisions of this Agreement.

IN WITNESS WHEREOF the undersigned, being duly authorized thereto, have affixed their signatures under this Agreement on the dates indicated.

DONE at Geneva, on twenty-six January, one thousand nine hundred and ninety-four, the text of this Agreement in the Arabic, Chinese, English, French, Russian and Spanish languages being equally authentic.

## ANNEX A

*List of producing countries with tropical forest resources and/or net exporters of tropical timber in volume terms, and allocation of votes for the purposes of article 41*

Bolivia	21
Brazil	133
Cameroon	23
Colombia	24
Congo	23
Costa Rica	9
Cote d'Ivoire	23
Dominican Republic	9
Ecuador	14
El Salvador	9
Equatorial Guinea	23
Gabon	23
Ghana	23
Guyana	14
Honduras	9
India	34
Indonesia	170
Liberia	23
Malaysia	139
Mexico	14
Myanmar	33
Panama	10
Papua New Guinea	28
Paraguay	11
Peru	25



Philippines	25
Tanzania, United Republic of	23
Thailand	20
Togo	23
Trinidad and Tobago	9
Venezuela	10
Zaire	23
<b>Total</b>	<b>1,000</b>

**ANNEX B**

## List of consuming countries and allocation of votes for the purposes of article 41

Afghanistan	10
Algeria	13
Australia	18
Austria	11
Bahrain	11
Bulgaria	10
Canada	12
Chile	10
China	36
Egypt	14
European Community	(302)
Belgium/Luxembourg	26
Denmark	11
France	44
Germany	35
Greece	13

Ireland	13
Italy	35
Netherlands	40
Portugal1	8
Spain	25
United Kingdom	42
Finland	10
Japan	320
Nepal	10
New Zealand	10
Norway	10
Republic of Korea	97
Russian Federation	13
Slovakia	11
Sweden	10
Switzerland	11
United States of America	51
<b>Total</b>	<b>1 000</b>



**UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION  
IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR  
DESERTIFICATION, PARTICULARLY IN AFRICA**

Adopted at Paris on 17 June 1994

**PREAMBLE**

The Parties to this Convention,

*Affirming* that human beings in affected or threatened areas are at the centre of concerns to combat desertification and mitigate the effects of drought,

*Reflecting* the urgent concern of the international community, including States and international organizations, about the adverse impacts of desertification and drought,

*Aware* that arid, semi-arid and dry sub-humid areas together account for a significant proportion of the Earth's land area and are the habitat and source of livelihood for a large segment of its population,

*Acknowledging* that desertification and drought are problems of global dimension in that they affect all regions of the world and that joint action of the international community is needed to combat desertification and/or mitigate the effects of drought,

*Noting* the high concentration of developing countries, notably the least developed countries, among those experiencing serious drought and/or desertification, and the particularly tragic consequences of these phenomena in Africa,

Noting also that desertification is caused by complex interactions among physical, biological, political, social, cultural and economic factors,

*Considering* the impact of trade and relevant aspects of international economic relations on the ability of affected countries to combat desertification adequately,

*Conscious* that sustainable economic growth, social development and poverty eradication are priorities of affected developing countries, particularly in Africa, and are essential to meeting sustainability objectives,

*Mindful* that desertification and drought affect sustainable development through their interrelationships with important social problems such as poverty, poor health and nutrition, lack of food security, and those arising from migration, displacement of persons and demographic dynamics,

*Appreciating* the significance of the past efforts and experience of States and international organizations in combating desertification and mitigating the effects of drought, particularly in implementing the Plan of Action to Combat Desertification which was adopted at the United Nations Conference on Desertification in 1977,

*Realizing* that, despite efforts in the past, progress in combating desertification and mitigating the effects of drought has not met expectations and that a new and more effective approach is needed at all levels within the framework of sustainable development,

*Recognizing* the validity and relevance of decisions adopted at the United Nations Conference on Environment and Development, particularly of Agenda 21 and its chapter 12, which provide a basis for combating desertification,

Reaffirming in this light the commitments of developed countries as contained in paragraph 13 of chapter 33 of Agenda 21,

*Recalling* General Assembly resolution 47/188, particularly the priority in it prescribed for Africa, and all other relevant United Nations resolutions, decisions and programmes on desertification and drought, as well as relevant declarations by African countries and those from other regions,

*Reaffirming* the Rio Declaration on Environment and Development which states, in its Principle 2, 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,

*Recognizing* that national Governments play a critical role in combating desertification and mitigating the effects of drought and that progress in that respect depends on local implementation of action programmes in affected areas,

*Recognizing* also the importance and necessity of international cooperation and partnership in combating desertification and mitigating the effects of drought,

*Recognizing* further the importance of the provision to affected developing countries, particularly in Africa, of effective means, inter alia substantial financial resources, including new and additional funding, and access to technology, without which it will be difficult for them to implement fully their commitments under this Convention,

*Expressing* concern over the impact of desertification and drought on affected countries in Central Asia and the Transcaucasus,

*Stressing* the important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought,

*Emphasizing* the special role of non-governmental organizations and other major groups in programmes to combat desertification and mitigate the effects of drought,

Bearing in mind the relationship between desertification and other environmental problems of global dimension facing the international and national communities,

Bearing also in mind the contribution that combating desertification can make to achieving the objectives of the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and other related environmental conventions,

Believing that strategies to combat desertification and mitigate the effects of drought will be most effective if they are based on sound systematic observation and rigorous scientific knowledge and if they are continuously re-evaluated,

Recognizing the urgent need to improve the effectiveness and coordination of international cooperation to facilitate the implementation of national plans and priorities,

Determined to take appropriate action in combating desertification and mitigating the effects of drought for the benefit of present and future generations,

Have agreed as follows:



## PART I : INTRODUCTION

### Article I USE OF TERMS

For the purposes of this Convention:

- (a) "desertification" means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;
- (b) "combating desertification" includes activities which are part of the integrated development of land in arid, semi-arid and dry sub-humid areas for sustainable development which are aimed at:
  - (i) prevention and/or reduction of land degradation;
  - (ii) rehabilitation of partly degraded land; and
  - (iii) reclamation of desertified land;
- (c) "drought" means the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded levels, causing serious hydrological imbalances that adversely affect land resource production systems;
- (d) "mitigating the effects of drought" means activities related to the prediction of drought and intended to reduce the vulnerability of society and natural systems to drought as it relates to combating desertification;
- (e) "land" means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system;
- (f) "land degradation" means reduction or loss, in arid, semi-arid and dry sub-humid areas, of the biological or economic productivity and complexity of rainfed cropland, irrigated cropland, or range, pasture, forest and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as:
  - (i) soil erosion caused by wind and/or water;
  - (ii) deterioration of the physical, chemical and biological or economic properties of soil; and
  - (iii) long-term loss of natural vegetation;
- (g) "arid, semi-arid and dry sub-humid areas" means areas, other than polar and sub-polar regions, in which the ratio of annual precipitation to potential evapotranspiration falls within the range from 0.05 to 0.65;
- (h) "affected areas" means arid, semi-arid and/or dry sub-humid areas affected or threatened by desertification;
- (i) "affected countries" means countries whose lands include, in whole or in part, affected areas;
- (j) "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 and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;
- (k) "developed country Parties" means developed country Parties and regional economic integration organizations constituted by developed countries.

*Article 2*      OBJECTIVE

1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

2. Achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

*Article 3*      PRINCIPLES

In order to achieve the objective of this Convention and to implement its provisions, the Parties shall be guided, *inter alia*, by the following:

- (a) the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels;
- (b) the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at subregional, regional and international levels, and better focus financial, human, organizational and technical resources where they are needed;
- (c) the Parties should develop, in a spirit of partnership, cooperation among all levels of government, communities, non-governmental organizations and landholders to establish a better understanding of the nature and value of land and scarce water resources in affected areas and to work towards their sustainable use; and
- (d) the Parties should take into full consideration the special needs and circumstances of affected developing country Parties, particularly the least developed among them.

**PART II : GENERAL PROVISIONS**

*Article 4*      GENERAL OBLIGATIONS

1. The Parties shall implement their obligations under this Convention, individually or jointly, either through existing or prospective bilateral and multilateral arrangements or a combination thereof, as appropriate, emphasizing the need to coordinate efforts and develop a coherent long-term strategy at all levels.

2. In pursuing the objective of this Convention, the Parties shall:

- (a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought;
- (b) give due attention, within the relevant international and regional bodies, to the situation of affected developing country Parties with regard to international trade, marketing arrangements and debt with a view to establishing an enabling international economic environment conducive to the promotion of sustainable development;



- (c) integrate strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought;
  - (d) promote cooperation among affected country Parties in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought;
  - (e) strengthen subregional, regional and international cooperation;
  - (f) cooperate within relevant intergovernmental organizations;
  - (g) determine institutional mechanisms, if appropriate, keeping in mind the need to avoid duplication; and
  - (h) promote the use of existing bilateral and multilateral financial mechanisms and arrangements that mobilize and channel substantial financial resources to affected developing country Parties in combating desertification and mitigating the effects of drought.
3. Affected developing country Parties are eligible for assistance in the implementation of the Convention.

#### *Article 5* OBLIGATIONS OF AFFECTED COUNTRY PARTIES

In addition to their obligations pursuant to article 4, affected country Parties undertake to:

- (a) give due priority to combating desertification and mitigating the effects of drought, and allocate adequate resources in accordance with their circumstances and capabilities;
- (b) establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;
- (c) address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes;
- (d) promote awareness and facilitate the participation of local populations, particularly women and youth, with the support of non-governmental organizations, in efforts to combat desertification and mitigate the effects of drought; and
- (e) provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, enacting new laws and establishing long-term policies and action programmes.

#### *Article 6* OBLIGATIONS OF DEVELOPED COUNTRY PARTIES

In addition to their general obligations pursuant to article 4, developed country Parties undertake to:

- (a) actively support, as agreed, individually or jointly, the efforts of affected developing country Parties, particularly those in Africa, and the least developed countries, to combat desertification and mitigate the effects of drought;
- (b) provide substantial financial resources and other forms of support to assist affected developing country Parties, particularly those in Africa, effectively to develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought;
- (c) promote the mobilization of new and additional funding pursuant to article 20, paragraph 2 (b);
- (d) encourage the mobilization of funding from the private sector and other non-governmental sources; and

- (e) promote and facilitate access by affected country Parties, particularly affected developing country Parties, to appropriate technology, knowledge and know-how.

*Article 7*      **PRIORITY FOR AFRICA**

In implementing this Convention, the Parties shall give priority to affected African country Parties, in the light of the particular situation prevailing in that region, while not neglecting affected developing country Parties in other regions.

*Article 8*      **RELATIONSHIP WITH OTHER CONVENTIONS**

1. The Parties shall encourage the coordination of activities carried out under this Convention and, if they are Parties to them, under other relevant international agreements, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training, systematic observation and information collection and exchange, to the extent that such activities may contribute to achieving the objectives of the agreements concerned.

2. The provisions of this Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or international agreement into which it has entered prior to the entry into force of this Convention for it.

**PART III**

**ACTION PROGRAMMES, SCIENTIFIC AND TECHNICAL  
COOPERATION AND SUPPORTING MEASURES**

**Section 1: Action programmes**


*Article 9*      **BASIC APPROACH**

1. In carrying out their obligations pursuant to article 5, affected developing country Parties and any other affected country Party in the framework of its regional implementation annex or, otherwise, that has notified the Permanent Secretariat in writing of its intention to prepare a national action programme, shall, as appropriate, prepare, make public and implement national action programmes, utilizing and building, to the extent possible, on existing relevant successful plans and programmes, and subregional and regional action programmes, as the central element of the strategy to combat desertification and mitigate the effects of drought. Such programmes shall be updated through a continuing participatory process on the basis of lessons from field action, as well as the results of research. The preparation of national action programmes shall be closely interlinked with other efforts to formulate national policies for sustainable development.

2. In the provision by developed country Parties of different forms of assistance under the terms of article 6, priority shall be given to supporting, as agreed, national, subregional and regional action programmes of affected developing country Parties, particularly those in Africa, either directly or through relevant multilateral organizations or both.

3. The Parties shall encourage organs, funds and programmes of the United Nations system and other relevant intergovernmental organizations, academic institutions, the scientific community and non-governmental organizations





*in a position to cooperate, in accordance with their mandates and capabilities, to support the elaboration, implementation and follow-up of action programmes.*

*Article 10* NATIONAL ACTION PROGRAMMES

1. The purpose of national action programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought.
2. National action programmes shall specify the respective roles of government, local communities and land users and the resources available and needed. They shall, inter alia:
  - (a) incorporate long-term strategies to combat desertification and mitigate the effects of drought, emphasize implementation and be integrated with national policies for sustainable development;
  - (b) allow for modifications to be made in response to changing circumstances and be sufficiently flexible at the local level to cope with different socio-economic, biological and geo-physical conditions;
  - (c) give particular attention to the implementation of preventive measures for lands that are not yet degraded or which are only slightly degraded;
  - (d) enhance national climatological, meteorological and hydrological capabilities and the means to provide for drought early warning;
  - (e) promote policies and strengthen institutional frameworks which develop cooperation and coordination, in a spirit of partnership, between the donor community, governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology;
  - (f) provide for effective participation at the local, national and regional levels of non-governmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, and implementation and review of national action programmes; and
  - (g) require regular review of, and progress reports on, their implementation.
3. National action programmes may include, inter alia, some or all of the following measures to prepare for and mitigate the effects of drought:
  - (a) establishment and/or strengthening, as appropriate, of early warning systems, including local and national facilities and joint systems at the subregional and regional levels, and mechanisms for assisting environmentally displaced persons;
  - (b) strengthening of drought preparedness and management, including drought contingency plans at the local, national, subregional and regional levels, which take into consideration seasonal to interannual climate predictions;
  - (c) establishment and/or strengthening, as appropriate, of food security systems, including storage and marketing facilities, particularly in rural areas;
  - (d) establishment of alternative livelihood projects that could provide incomes in drought prone areas; and
  - (e) development of sustainable irrigation programmes for both crops and livestock.
4. Taking into account the circumstances and requirements specific to each affected country Party, national action programmes include, as appropriate, inter alia, measures in some or all of the following priority fields as they relate to

combating desertification and mitigating the effects of drought in affected areas and to their populations: promotion of alternative livelihoods and improvement of national economic environments with a view to strengthening programmes aimed at the eradication of poverty and at ensuring food security; demographic dynamics; sustainable management of natural resources; sustainable agricultural practices; development and efficient use of various energy sources; institutional and legal frameworks; strengthening of capabilities for assessment and systematic observation, including hydrological and meteorological services, and capacity building, education and public awareness.

*Article 11* SUBREGIONAL AND REGIONAL ACTION PROGRAMMES

Affected country Parties shall consult and cooperate to prepare, as appropriate, in accordance with relevant regional implementation annexes, subregional and/or regional action programmes to harmonize, complement and increase the efficiency of national programmes. The provisions of article 10 shall apply mutatis mutandis to subregional and regional programmes. Such cooperation may include agreed joint programmes for the sustainable management of transboundary natural resources, scientific and technical cooperation, and strengthening of relevant institutions.

*Article 12* INTERNATIONAL COOPERATION

Affected country Parties, in collaboration with other Parties and the international community, should cooperate to ensure the promotion of an enabling international environment in the implementation of the Convention. Such cooperation should also cover fields of technology transfer as well as scientific research and development, information collection and dissemination and financial resources.

*Article 13* SUPPORT FOR THE ELABORATION AND IMPLEMENTATION OF ACTION PROGRAMMES

1. Measures to support action programmes pursuant to article 9 include, inter alia:

- (a) financial cooperation to provide predictability for action programmes, allowing for necessary long-term planning;
- (b) elaboration and use of cooperation mechanisms which better enable support at the local level, including action through non-governmental organizations, in order to promote the replicability of successful pilot programme activities where relevant;
- (c) increased flexibility in project design, funding and implementation in keeping with the experimental, iterative approach indicated for participatory action at the local community level; and
- (d) as appropriate, administrative and budgetary procedures that increase the efficiency of cooperation and of support programmes.

2. In providing such support to affected developing country Parties, priority shall be given to African country Parties and to least developed country Parties.

*Article 14* COORDINATION IN THE ELABORATION AND IMPLEMENTATION OF ACTION PROGRAMMES

1. The Parties shall work closely together, directly and through relevant intergovernmental organizations, in the elaboration and implementation of action programmes.

2. The Parties shall develop operational mechanisms, particularly at the national and field levels, to ensure the fullest possible coordination among developed country Parties, developing country Parties and relevant



intergovernmental and non-governmental organizations, in order to avoid duplication, harmonize interventions and approaches, and maximize the impact of assistance. In affected developing country Parties, priority will be given to coordinating activities related to international cooperation in order to maximize the efficient use of resources, to ensure responsive assistance, and to facilitate the implementation of national action programmes and priorities under this Convention.

*Article 15* REGIONAL IMPLEMENTATION ANNEXES

Elements for incorporation in action programmes shall be selected and adapted to the socio-economic, geographical and climatic factors applicable to affected country Parties or regions, as well as to their level of development. Guidelines for the preparation of action programmes and their exact focus and content for particular subregions and regions are set out in the regional implementation annexes.

**Section 2: Scientific and technical cooperation**

*Article 16* INFORMATION COLLECTION, ANALYSIS AND EXCHANGE

The Parties agree, according to their respective capabilities, to integrate and coordinate the collection, analysis and exchange of relevant short term and long term data and information to ensure systematic observation of land degradation in affected areas and to understand better and assess the processes and effects of drought and desertification. This would help accomplish, inter alia, early warning and advance planning for periods of adverse climatic variation in a form suited for practical application by users at all levels, including especially local populations. To this end, they shall, as appropriate:

- (a) facilitate and strengthen the functioning of the global network of institutions and facilities for the collection, analysis and exchange of information, as well as for systematic observation at all levels, which shall, inter alia:
  - (i) aim to use compatible standards and systems;
  - (ii) encompass relevant data and stations, including in remote areas;
  - (iii) use and disseminate modern technology for data collection, transmission and assessment on land degradation; and
  - (iv) link national, subregional and regional data and information centres more closely with global information sources;
- (b) ensure that the collection, analysis and exchange of information address the needs of local communities and those of decision makers, with a view to resolving specific problems, and that local communities are involved in these activities;
- (c) support and further develop bilateral and multilateral programmes and projects aimed at defining, conducting, assessing and financing the collection, analysis and exchange of data and information, including, inter alia, integrated sets of physical, biological, social and economic indicators;
- (d) make full use of the expertise of competent intergovernmental and non-governmental organizations, particularly to disseminate relevant information and experiences among target groups in different regions;
- (e) give full weight to the collection, analysis and exchange of socio-economic data, and their integration with physical and biological data;

- (f) exchange and make fully, openly and promptly available information from all publicly available sources relevant to combating desertification and mitigating the effects of drought; and
- (g) subject to their respective national legislation and/or policies, exchange information on local and traditional knowledge, ensuring adequate protection for it and providing appropriate return from the benefits derived from it, on an equitable basis and on mutually agreed terms, to the local populations concerned.

*Article 17* RESEARCH AND DEVELOPMENT

1. The Parties undertake, according to their respective capabilities, to promote technical and scientific cooperation in the fields of combating desertification and mitigating the effects of drought through appropriate national, subregional, regional and international institutions.

To this end, they shall support research activities that:

- (a) contribute to increased knowledge of the processes leading to desertification and drought and the impact of, and distinction between, causal factors, both natural and human, with a view to combating desertification and mitigating the effects of drought, and achieving improved productivity as well as sustainable use and management of resources;
- (b) respond to well defined objectives, address the specific needs of local populations and lead to the identification and implementation of solutions that improve the living standards of people in affected areas;
- (c) protect, integrate, enhance and validate traditional and local knowledge, know-how and practices, ensuring, subject to their respective national legislation and/or policies, that the owners of that knowledge will directly benefit on an equitable basis and on mutually agreed terms from any commercial utilization of it or from any technological development derived from that knowledge;
- (d) develop and strengthen national, subregional and regional research capabilities in affected developing country Parties, particularly in Africa, including the development of local skills and the strengthening of appropriate capacities, especially in countries with a weak research base, giving particular attention to multidisciplinary and participative socio-economic research;
- (e) take into account, where relevant, the relationship between poverty, migration caused by environmental factors, and desertification;
- (f) promote the conduct of joint research programmes between national, subregional, regional and international research organizations, in both the public and private sectors, for the development of improved, affordable and accessible technologies for sustainable development through effective participation of local populations and communities; and
- (g) enhance the availability of water resources in affected areas, by means of, inter alia, cloud-seeding.

2. Research priorities for particular regions and subregions, reflecting different local conditions, should be included in action programmes. The Conference of the Parties shall review research priorities periodically on the advice of the Committee on Science and Technology.

*Article 18* TRANSFER, ACQUISITION, ADAPTATION AND DEVELOPMENT OF TECHNOLOGY

1. The Parties undertake, as mutually agreed and in accordance with their respective national legislation and/or policies, to promote, finance and/or facilitate the financing of the transfer, acquisition, adaptation and development of environmentally sound, economically viable and socially acceptable technologies relevant to combating desertification and/or mitigating the effects of drought, with a view to contributing to the achievement of sustainable



development in affected areas. Such cooperation shall be conducted bilaterally or multilaterally, as appropriate, making full use of the expertise of intergovernmental and non-governmental organizations. The Parties shall, in particular:

- (a) fully utilize relevant existing national, subregional, regional and international information systems and clearing-houses for the dissemination of information on available technologies, their sources, their environmental risks and the broad terms under which they may be acquired;
- (b) facilitate access, in particular by affected developing country Parties, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, to technologies most suitable to practical application for specific needs of local populations, paying special attention to the social, cultural, economic and environmental impact of such technology;
- (c) facilitate technology cooperation among affected country Parties through financial assistance or other appropriate means;
- (d) extend technology cooperation with affected developing country Parties, including, where relevant, joint ventures, especially to sectors which foster alternative livelihoods; and
- (e) take appropriate measures to create domestic market conditions and incentives, fiscal or otherwise, conducive to the development, transfer, acquisition and adaptation of suitable technology, knowledge, know-how and practices, including measures to ensure adequate and effective protection of intellectual property rights.

2. The Parties shall, according to their respective capabilities, and subject to their respective national legislation and/or policies, protect, promote and use in particular relevant traditional and local technology, knowledge, know-how and practices and, to that end, they undertake to:

- (a) make inventories of such technology, knowledge, know-how and practices and their potential uses with the participation of local populations, and disseminate such information, where appropriate, in cooperation with relevant intergovernmental and non-governmental organizations;
- (b) ensure that such technology, knowledge, know-how and practices are adequately protected and that local populations benefit directly, on an equitable basis and as mutually agreed, from any commercial utilization of them or from any technological development derived therefrom;
- (c) encourage and actively support the improvement and dissemination of such technology, knowledge, know-how and practices or of the development of new technology based on them; and
- (d) facilitate, as appropriate, the adaptation of such technology, knowledge, know-how and practices to wide use and integrate them with modern technology, as appropriate.

### **Section 3: Supporting measures**

#### *Article 19* CAPACITY BUILDING, EDUCATION AND PUBLIC AWARENESS

1. The Parties recognize the significance of capacity building -- that is to say, institution building, training and development of relevant local and national capacities -- in efforts to combat desertification and mitigate the effects of drought. They shall promote, as appropriate, capacity-building:

- (a) through the full participation at all levels of local people, particularly at the local level, especially women and youth, with the cooperation of non-governmental and local organizations;

- (b) by strengthening training and research capacity at the national level in the field of desertification and drought;
- (c) by establishing and/or strengthening support and extension services to disseminate relevant technology methods and techniques more effectively, and by training field agents and members of rural organizations in participatory approaches for the conservation and sustainable use of natural resources;
- (d) by fostering the use and dissemination of the knowledge, know-how and practices of local people in technical cooperation programmes, wherever possible;
- (e) by adapting, where necessary, relevant environmentally sound technology and traditional methods of agriculture and pastoralism to modern socio-economic conditions;
- (f) by providing appropriate training and technology in the use of alternative energy sources, particularly renewable energy resources, aimed particularly at reducing dependence on wood for fuel;
- (g) through cooperation, as mutually agreed, to strengthen the capacity of affected developing country Parties to develop and implement programmes in the field of collection, analysis and exchange of information pursuant to article 16;
- (h) through innovative ways of promoting alternative livelihoods, including training in new skills;
- (i) by training of decision makers, managers, and personnel who are responsible for the collection and analysis of data for the dissemination and use of early warning information on drought conditions and for food production;
- (j) through more effective operation of existing national institutions and legal frameworks and, where necessary, creation of new ones, along with strengthening of strategic planning and management; and
- (k) by means of exchange visitor programmes to enhance capacity building in affected country Parties through a long-term, interactive process of learning and study.

2. Affected developing country Parties shall conduct, in cooperation with other Parties and competent intergovernmental and non-governmental organizations, as appropriate, an interdisciplinary review of available capacity and facilities at the local and national levels, and the potential for strengthening them.

3. The Parties shall cooperate with each other and through competent intergovernmental organizations, as well as with non-governmental organizations, in undertaking and supporting public awareness and educational programmes in both affected and, where relevant, unaffected country Parties to promote understanding of the causes and effects of desertification and drought and of the importance of meeting the objective of this Convention. To that end, they shall:

- (a) organize awareness campaigns for the general public;
- (b) promote, on a permanent basis, access by the public to relevant information, and wide public participation in education and awareness activities;
- (c) encourage the establishment of associations that contribute to public awareness;
- (d) develop and exchange educational and public awareness material, where possible in local languages, exchange and second experts to train personnel of affected developing country Parties in carrying out relevant education and awareness programmes, and fully utilize relevant educational material available in competent international bodies;
- (e) assess educational needs in affected areas, elaborate appropriate school curricula and expand, as needed, educational and adult literacy programmes and opportunities for all, in particular for girls and women, on



the identification, conservation and sustainable use and management of the natural resources of affected areas; and

- (f) develop interdisciplinary participatory programmes integrating desertification and drought awareness into educational systems and in non-formal, adult, distance and practical educational programmes.

4. The Conference of the Parties shall establish and/or strengthen networks of regional education and training centres to combat desertification and mitigate the effects of drought. These networks shall be coordinated by an institution created or designated for that purpose, in order to train scientific, technical and management personnel and to strengthen existing institutions responsible for education and training in affected country Parties, where appropriate, with a view to harmonizing programmes and to organizing exchanges of experience among them. These networks shall cooperate closely with relevant intergovernmental and non-governmental organizations to avoid duplication of effort.

#### Article 20 FINANCIAL RESOURCES

1. Given the central importance of financing to the achievement of the objective of the Convention, the Parties, taking into account their capabilities, shall make every effort to ensure that adequate financial resources are available for programmes to combat desertification and mitigate the effects of drought.

2. In this connection, developed country Parties, while giving priority to affected African country Parties without neglecting affected developing country Parties in other regions, in accordance with article 7, undertake to:

- (a) mobilize substantial financial resources, including grants and concessional loans, in order to support the implementation of programmes to combat desertification and mitigate the effects of drought;
- (b) promote the mobilization of adequate, timely and predictable financial resources, including new and additional funding from the Global Environment Facility of the agreed incremental costs of those activities concerning desertification that relate to its four focal areas, in conformity with the relevant provisions of the Instrument establishing the Global Environment Facility;
- (c) facilitate through international cooperation the transfer of technology, knowledge and know-how; and
- (d) explore, in cooperation with affected developing country Parties, innovative methods and incentives for mobilizing and channelling resources, including those of foundations, non-governmental organizations and other private sector entities, particularly debt swaps and other innovative means which increase financing by reducing the external debt burden of affected developing country Parties, particularly those in Africa.

3. Affected developing country Parties, taking into account their capabilities, undertake to mobilize adequate financial resources for the implementation of their national action programmes.

4. In mobilizing financial resources, the Parties shall seek full use and continued qualitative improvement of all national, bilateral and multilateral funding sources and mechanisms, using consortia, joint programmes and parallel financing, and shall seek to involve private sector funding sources and mechanisms, including those of non-governmental organizations. To this end, the Parties shall fully utilize the operational mechanisms developed pursuant to article 14.

5. In order to mobilize the financial resources necessary for affected developing country Parties to combat desertification and mitigate the effects of drought, the Parties shall:

- (a) rationalize and strengthen the management of resources already allocated for combating desertification and mitigating the effects of drought by using them more effectively and efficiently, assessing their successes and shortcomings, removing hindrances to their effective use and, where necessary, reorienting programmes in light of the integrated long-term approach adopted pursuant to this Convention;

- (b) give due priority and attention within the governing bodies of multilateral financial institutions, facilities and funds, including regional development banks and funds, to supporting affected developing country Parties, particularly those in Africa, in activities which advance implementation of the Convention, notably action programmes they undertake in the framework of regional implementation annexes; and
  - (c) examine ways in which regional and subregional cooperation can be strengthened to support efforts undertaken at the national level.
6. Other Parties are encouraged to provide, on a voluntary basis, knowledge, know-how and techniques related to desertification and/or financial resources to affected developing country Parties.
7. The full implementation by affected developing country Parties, particularly those in Africa, of their obligations under the Convention will be greatly assisted by the fulfilment by developed country Parties of their obligations under the Convention, including in particular those regarding financial resources and transfer of technology. In fulfilling their obligations, developed country Parties should take fully into account that economic and social development and poverty eradication are the first priorities of affected developing country Parties, particularly those in Africa.

#### Article 21 FINANCIAL MECHANISMS

1. The Conference of the Parties shall promote the availability of financial mechanisms and shall encourage such mechanisms to seek to maximize the availability of funding for affected developing country Parties, particularly those in Africa, to implement the Convention. To this end, the Conference of the Parties shall consider for adoption *inter alia* approaches and policies that:
- (a) facilitate the provision of necessary funding at the national, subregional, regional and global levels for activities pursuant to relevant provisions of the Convention;
  - (b) promote multiple-source funding approaches, mechanisms and arrangements and their assessment, consistent with article 20;
  - (c) provide on a regular basis, to interested Parties and relevant intergovernmental and non-governmental organizations, information on available sources of funds and on funding patterns in order to facilitate coordination among them;
  - (d) facilitate the establishment, as appropriate, of mechanisms, such as national desertification funds, including those involving the participation of non-governmental organizations, to channel financial resources rapidly and efficiently to the local level in affected developing country Parties; and
  - (e) strengthen existing funds and financial mechanisms at the subregional and regional levels, particularly in Africa, to support more effectively the implementation of the Convention.
2. The Conference of the Parties shall also encourage the provision, through various mechanisms within the United Nations system and through multilateral financial institutions, of support at the national, subregional and regional levels to activities that enable developing country Parties to meet their obligations under the Convention.
3. Affected developing country Parties shall utilize, and where necessary, establish and/or strengthen, national coordinating mechanisms, integrated in national development programmes, that would ensure the efficient use of all available financial resources. They shall also utilize participatory processes involving non-governmental organizations, local groups and the private sector, in raising funds, in elaborating as well as implementing programmes and in assuring access to funding by groups at the local level. These actions can be enhanced by improved coordination and flexible programming on the part of those providing assistance.



4. In order to increase the effectiveness and efficiency of existing financial mechanisms, a Global Mechanism to promote actions leading to the mobilization and channelling of substantial financial resources, including for the transfer of technology, on a grant basis, and/or on concessional or other terms, to affected developing country Parties, is hereby established. This Global Mechanism shall function under the authority and guidance of the Conference of the Parties and be accountable to it.

5. The Conference of the Parties shall identify, at its first ordinary session, an organization to house the Global Mechanism. The Conference of the Parties and the organization it has identified shall agree upon modalities for this Global Mechanism to ensure inter alia that such Mechanism:

- (a) identifies and draws up an inventory of relevant bilateral and multilateral cooperation programmes that are available to implement the Convention;
- (b) provides advice, on request, to Parties on innovative methods of financing and sources of financial assistance and on improving the coordination of cooperation activities at the national level;
- (c) provides interested Parties and relevant intergovernmental and non-governmental organizations with information on available sources of funds and on funding patterns in order to facilitate coordination among them; and
- (d) reports to the Conference of the Parties, beginning at its second ordinary session, on its activities.

6. The Conference of the Parties shall, at its first session, make appropriate arrangements with the organization it has identified to house the Global Mechanism for the administrative operations of such Mechanism, drawing to the extent possible on existing budgetary and human resources.

7. The Conference of the Parties shall, at its third ordinary session, review the policies, operational modalities and activities of the Global Mechanism accountable to it pursuant to paragraph 4, taking into account the provisions of article 7. On the basis of this review, it shall consider and take appropriate action.

## PART IV

### INSTITUTIONS

#### *Article 22* CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.
2. The Conference of the Parties is the supreme body of the Convention. It shall make, within its mandate, the decisions necessary to promote its effective implementation. In particular, it shall:
  - (a) regularly review the implementation of the Convention and the functioning of its institutional arrangements in the light of the experience gained at the national, subregional, regional and international levels and on the basis of the evolution of scientific and technological knowledge;
  - (b) promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and timetable for transmitting the information to be submitted pursuant to article 26, review the reports and make recommendations on them;
  - (c) establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;
  - (d) review reports submitted by its subsidiary bodies and provide guidance to them;

- (e) agree upon and adopt, by consensus, rules of procedure and financial rules for itself and any subsidiary bodies;
- (f) adopt amendments to the Convention pursuant to articles 30 and 31;
- (g) approve a programme and budget for its activities, including those of its subsidiary bodies, and undertake necessary arrangements for their financing;
- (h) as appropriate, seek the cooperation of, and utilize the services of and information provided by, competent bodies or agencies, whether national or international, intergovernmental or non-governmental;
- (I) promote and strengthen the relationship with other relevant conventions while avoiding duplication of effort; and
- (j) exercise such other functions as may be necessary for the achievement of the objective of the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure, by consensus, 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 35 and shall take place not later than one year after the date of entry into force of the Convention. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be decided either by the Conference of the Parties in ordinary session or at the written request of any Party, provided that, within three months of the request being communicated to the Parties by the Permanent Secretariat, it is supported by at least one third of the Parties.

6. At each ordinary session, the Conference of the Parties shall elect a Bureau. The structure and functions of the Bureau shall be determined in the rules of procedure. In appointing the Bureau, due regard shall be paid to the need to ensure equitable geographical distribution and adequate representation of affected country Parties, particularly those in Africa.

7. The United Nations, its specialized agencies and 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 Permanent 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.

8. The Conference of the Parties may request competent national and international organizations which have relevant expertise to provide it with information relevant to article 16, paragraph (g), article 17, paragraph 1 (c) and article 18, paragraph 2(b).

#### *Article 23*      PERMANENT SECRETARIAT

1. A Permanent Secretariat is hereby established.
2. The functions of the Permanent 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 affected developing country Parties, on request, particularly those in Africa, in the compilation and communication of information required under the Convention;
  - (d) to coordinate its activities with the secretariats of other relevant international bodies and conventions;
  - (e) to enter, under the guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
  - (f) to prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties; and
  - (g) to perform such other secretariat 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 24* COMMITTEE ON SCIENCE AND TECHNOLOGY

1. A Committee on Science and Technology is hereby established as a subsidiary body of the Conference of the Parties to provide it with information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought. The Committee shall meet in conjunction with the ordinary sessions of the Conference of the Parties and shall be multidisciplinary and open to the participation of all Parties. It shall be composed of government representatives competent in the relevant fields of expertise. The Conference of the Parties shall decide, at its first session, on the terms of reference of the Committee.
2. The Conference of the Parties shall establish and maintain a roster of independent experts with expertise and experience in the relevant fields. The roster shall be based on nominations received in writing from the Parties, taking into account the need for a multidisciplinary approach and broad geographical representation.
3. The Conference of the Parties may, as necessary, appoint ad hoc panels to provide it, through the Committee, with information and advice on specific issues regarding the state of the art in fields of science and technology relevant to combating desertification and mitigating the effects of drought. These panels shall be composed of experts whose names are taken from the roster, taking into account the need for a multidisciplinary approach and broad geographical representation. These experts shall have scientific backgrounds and field experience and shall be appointed by the Conference of the Parties on the recommendation of the Committee. The Conference of the Parties shall decide on the terms of reference and the modalities of work of these panels.

*Article 25* NETWORKING OF INSTITUTIONS, AGENCIES AND BODIES

1. The Committee on Science and Technology shall, under the supervision of the Conference of the Parties, make provision for the undertaking of a survey and evaluation of the relevant existing networks, institutions, agencies and bodies willing to become units of a network. Such a network shall support the implementation of the Convention.
2. On the basis of the results of the survey and evaluation referred to in paragraph 1, the Committee on Science and Technology shall make recommendations to the Conference of the Parties on ways and means to facilitate and strengthen networking of the units at the local, national and other levels, with a view to ensuring that the thematic needs set out in articles 16 to 19 are addressed.
3. Taking into account these recommendations, the Conference of the Parties shall:

ary those national, subregional, regional and international units that are most appropriate for networking, recommend operational procedures, and a time frame, for them; and

- (b) identify the units best suited to facilitating and strengthening such networking at all levels.

## PART V

### PROCEDURES

#### Article 26 COMMUNICATION OF INFORMATION

1. Each Party shall communicate to the Conference of the Parties for consideration at its ordinary sessions, through the Permanent Secretariat, reports on the measures which it has taken for the implementation of the Convention. The Conference of the Parties shall determine the timetable for submission and the format of such reports.
2. Affected country Parties shall provide a description of the strategies established pursuant to article 5 and of any relevant information on their implementation.
3. Affected country Parties which implement action programmes pursuant to articles 9 to 15 shall provide a detailed description of the programmes and of their implementation.
4. Any group of affected country Parties may make a joint communication on measures taken at the subregional and/or regional levels in the framework of action programmes.
5. Developed country Parties shall report on measures taken to assist in the preparation and implementation of action programmes, including information on the financial resources they have provided, or are providing, under the Convention.
6. Information communicated pursuant to paragraphs 1 to 4 shall be transmitted by the Permanent Secretariat as soon as possible to the Conference of the Parties and to any relevant subsidiary body.
7. The Conference of the Parties shall facilitate the provision to affected developing countries, particularly those in Africa, on request, of technical and financial support in compiling and communicating information in accordance with this article, as well as identifying the technical and financial needs associated with action programmes.

#### Article 27 MEASURES TO RESOLVE QUESTIONS ON IMPLEMENTATION

The Conference of the Parties shall consider and adopt procedures and institutional mechanisms for the resolution of questions that may arise with regard to the implementation of the Convention.

#### Article 28 SETTLEMENT OF DISPUTES

1. Parties shall settle any dispute between them concerning the interpretation or application of the 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 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 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 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 which 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 Depository.
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 conciliation at the request of any Party to the dispute, in accordance with procedures adopted by the Conference of the Parties in an annex as soon as practicable.

*Article 29* STATUS OF ANNEXES

- 1. Annexes form an integral part of the Convention and, unless expressly provided otherwise, a reference to the Convention also constitutes a reference to its annexes.
- 2. The Parties shall interpret the provisions of the annexes in a manner that is in conformity with their rights and obligations under the articles of this Convention.

*Article 30* 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 shall be communicated to the Parties by the Permanent Secretariat at least six months before the meeting at which it is proposed for adoption. The Permanent Secretariat shall also communicate proposed amendments to the signatories to the Convention.
- 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 two-thirds majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the Permanent Secretariat to the Depository, who shall circulate it to all Parties for their ratification, acceptance, approval or accession.
- 4. Instruments of ratification, acceptance, approval or accession in respect of an amendment shall be deposited with the Depository. An amendment adopted pursuant to paragraph 3 shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depository of an instrument of ratification, acceptance, approval or accession by at least two thirds of the Parties to the Convention which were Parties at the time of the adoption of the amendment.
- 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 Depository its instrument of ratification, acceptance or approval of, or accession to the said amendment.

6. For the purposes of this article and article 31, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

*Article 31* Adoption and amendment of annexes

1. Any additional annex to the Convention and any amendment to an annex shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in article 30, provided that, in adopting an additional regional implementation annex or amendment to any regional implementation annex, the majority provided for in that article shall include a two-thirds majority vote of the Parties of the region concerned present and voting. The adoption or amendment of an annex shall be communicated by the Depositary to all Parties.

2. An annex, other than an additional regional implementation annex, or an amendment to an annex, other than an amendment to any regional implementation annex, that has been adopted in accordance with paragraph 1, shall enter into force for all Parties to the Convention six months after the date of communication by the Depositary to such Parties of the adoption of such annex or amendment, except for those Parties that have notified the Depositary in writing within that period of their non-acceptance of such annex or amendment. Such annex or amendment 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.

3. An additional regional implementation annex or amendment to any regional implementation annex that has been adopted in accordance with paragraph 1, 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 such annex or amendment, except with respect to:

- (a) any Party that has notified the Depositary in writing, within such six month period, of its non-acceptance of that additional regional implementation annex or of the amendment to the regional implementation annex, in which case such annex or amendment 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; and
- (b) any Party that has made a declaration with respect to additional regional implementation annexes or amendments to regional implementation annexes in accordance with article 34, paragraph 4, in which case any such annex or 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 annex or amendment.

4. 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 32* RIGHT TO VOTE

- 1. Except as provided for in paragraph 2, each Party to the 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 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.



## PART VI

### FINAL PROVISIONS

#### *Article 33* SIGNATURE

This Convention shall be opened for signature at Paris, on 14-15 October 1994, by States Members of the United Nations or any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations. It shall remain open for signature, thereafter, at the United Nations Headquarters in New York until 13 October 1995.

#### *Article 34* RATIFICATION, ACCEPTANCE, APPROVAL AND 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 to the Convention shall be bound by all the obligations under the Convention. Where one or more member States of such an organization are also 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. They shall also promptly inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

4. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any additional regional implementation annex or any amendment to any regional implementation annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

#### *Article 35* INTERIM ARRANGEMENTS

The secretariat functions referred to in article 23 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 47/188 of 22 December 1992, until the completion of the first session of the Conference of the Parties.

#### *Article 36* 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 ratifying, accepting, approving or acceding to the Convention 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, 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 37* RESERVATIONS

No reservations may be made to this Convention.

*Article 38* 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.

*Article 39* DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of the Convention.

*Article 40* AUTHENTIC TEXTS

The original of the present 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 the present Convention.

DONE AT Paris, this 17th day of June one thousand nine hundred and ninety-four.

**ANNEX I**

**REGIONAL IMPLEMENTATION ANNEX FOR AFRICA**

*Article 1* SCOPE

This Annex applies to Africa, in relation to each Party and in conformity with the Convention, in particular its article 7, for the purpose of combating desertification and/or mitigating the effects of drought in its arid, semi-arid and dry sub-humid areas.

*Article 2* PURPOSE

The purpose of this Annex, at the national, subregional and regional levels in Africa and in the light of its particular conditions, is to:

- (a) identify measures and arrangements, including the nature and processes of assistance provided by developed country Parties, in accordance with the relevant provisions of the Convention;
- (b) provide for the efficient and practical implementation of the Convention to address conditions specific to Africa; and



- (c) promote processes and activities relating to combating desertification and/or mitigating the effects of drought within the arid, semi-arid and dry sub-humid areas of Africa.

*Article 3* Particular conditions of the African region

In carrying out their obligations under the Convention, the Parties shall, in the implementation of this Annex, adopt a basic approach that takes into consideration the following particular conditions of Africa:

- (a) the high proportion of arid, semi-arid and dry sub-humid areas;
- (b) the substantial number of countries and populations adversely affected by desertification and by the frequent recurrence of severe drought;
- (c) the large number of affected countries that are landlocked;
- (d) the widespread poverty prevalent in most affected countries, the large number of least developed countries among them, and their need for significant amounts of external assistance, in the form of grants and loans on concessional terms, to pursue their development objectives;
- (e) the difficult socio-economic conditions, exacerbated by deteriorating and fluctuating terms of trade, external indebtedness and political instability, which induce internal, regional and international migrations;
- (f) the heavy reliance of populations on natural resources for subsistence which, compounded by the effects of demographic trends and factors, a weak technological base and unsustainable production practices, contributes to serious resource degradation;
- (g) the insufficient institutional and legal frameworks, the weak infrastructural base and the insufficient scientific, technical and educational capacity, leading to substantial capacity building requirements; and
- (h) the central role of actions to combat desertification and/or mitigate the effects of drought in the national development priorities of affected African countries.

*Article 4* COMMITMENTS AND OBLIGATIONS OF AFRICAN COUNTRY PARTIES

1. In accordance with their respective capabilities, African country Parties undertake to:

- (a) adopt the combating of desertification and/or the mitigation of the effects of drought as a central strategy in their efforts to eradicate poverty;
- (b) promote regional cooperation and integration, in a spirit of solidarity and partnership based on mutual interest, in programmes and activities to combat desertification and/or mitigate the effects of drought;
- (c) rationalize and strengthen existing institutions concerned with desertification and drought and involve other existing institutions, as appropriate, in order to make them more effective and to ensure more efficient use of resources;
- (d) promote the exchange of information on appropriate technology, knowledge, know-how and practices between and among them; and
- (e) develop contingency plans for mitigating the effects of drought in areas degraded by desertification and/or drought.

2. Pursuant to the general and specific obligations set out in articles 4 and 5 of the Convention, affected African country Parties shall aim to:

- (a) make appropriate financial allocations from their national budgets consistent with national conditions and capabilities and reflecting the new priority Africa has accorded to the phenomenon of desertification and/or drought;
- (b) sustain and strengthen reforms currently in progress toward greater decentralization and resource tenure as well as reinforce participation of local populations and communities; and
- (c) identify and mobilize new and additional national financial resources, and expand, as a matter of priority, existing national capabilities and facilities to mobilize domestic financial resources.

*Article 5* Commitments and obligations of developed country Parties

1. In fulfilling their obligations pursuant to articles 4, 6 and 7 of the Convention, developed country Parties shall give priority to affected African country Parties and, in this context, shall:

- (a) assist them to combat desertification and/or mitigate the effects of drought by, inter alia, providing and/or facilitating access to financial and/or other resources, and promoting, financing and/or facilitating the financing of the transfer, adaptation and access to appropriate environmental technologies and know-how, as mutually agreed and in accordance with national policies, taking into account their adoption of poverty eradication as a central strategy;
- (b) continue to allocate significant resources and/or increase resources to combat desertification and/or mitigate the effects of drought; and
- (c) assist them in strengthening capacities to enable them to improve their institutional frameworks, as well as their scientific and technical capabilities, information collection and analysis, and research and development for the purpose of combating desertification and/or mitigating the effects of drought.

2. Other country Parties may provide, on a voluntary basis, technology, knowledge and know-how relating to desertification and/or financial resources, to affected African country Parties. The transfer of such knowledge, know-how and techniques is facilitated by international cooperation.

*Article 6* Strategic planning framework for sustainable development

1. National action programmes shall be a central and integral part of a broader process of formulating national policies for the sustainable development of affected African country Parties.

2. A consultative and participatory process involving appropriate levels of government, local populations, communities and non-governmental organizations shall be undertaken to provide guidance on a strategy with flexible planning to allow maximum participation from local populations and communities. As appropriate, bilateral and multilateral assistance agencies may be involved in this process at the request of an affected African country Party.

*Article 7* TIMETABLE FOR PREPARATION OF ACTION PROGRAMMES

Pending entry into force of this Convention, the African country Parties, in cooperation with other members of the international community, as appropriate, shall, to the extent possible, provisionally apply those provisions of the Convention relating to the preparation of national, subregional and regional action programmes.



Article 8 CONTENT OF NATIONAL ACTION PROGRAMMES

1. Consistent with article 10 of the Convention, the overall strategy of national action programmes shall emphasize integrated local development programmes for affected areas, based on participatory mechanisms and on integration of strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought. The programmes shall aim at strengthening the capacity of local authorities and ensuring the active involvement of local populations, communities and groups, with emphasis on education and training, mobilization of non-governmental organizations with proven expertise and strengthening of decentralized governmental structures.

2. National action programmes shall, as appropriate, include the following general features:

- (a) the use, in developing and implementing national action programmes, of past experiences in combating desertification and/or mitigating the effects of drought, taking into account social, economic and ecological conditions;
- (b) the identification of factors contributing to desertification and/or drought and the resources and capacities available and required, and the setting up of appropriate policies and institutional and other responses and measures necessary to combat those phenomena and/or mitigate their effects; and
- (c) the increase in participation of local populations and communities, including women, farmers and pastoralists, and delegation to them of more responsibility for management.

3. National action programmes shall also, as appropriate, include the following:

- (a) measures to improve the economic environment with a view to eradicating poverty:
  - (i) increasing incomes and employment opportunities, especially for the poorest members of the community, by:
    - developing markets for farm and livestock products;
    - creating financial instruments suited to local needs;
    - encouraging diversification in agriculture and the setting-up of agricultural enterprises; and
    - developing economic activities of a para-agricultural or non-agricultural type;
  - (ii) improving the long-term prospects of rural economies by the creation of:
    - incentives for productive investment and access to the means of production; and
    - price and tax policies and commercial practices that promote growth;
  - (iii) defining and applying population and migration policies to reduce population pressure on land; and
  - (iv) promoting the use of drought resistant crops and the application of integrated dry-land farming systems for food security purposes;
- (b) measures to conserve natural resources:
  - (i) ensuring integrated and sustainable management of natural resources, including:
    - agricultural land and pastoral land;
    - vegetation cover and wildlife;
    - forests;
    - water resources; and
    - biological diversity;
  - (ii) training with regard to, and strengthening, public awareness and environmental education campaigns and disseminating knowledge of techniques relating to the sustainable management of natural resources; and

- (iii) ensuring the development and efficient use of diverse energy sources, the promotion of alternative sources of energy, particularly solar energy, wind energy and bio-gas, and specific arrangements for the transfer, acquisition and adaptation of relevant technology to alleviate the pressure on fragile natural resources;
- (c) measures to improve institutional organization:
  - (i) defining the roles and responsibilities of central government and local authorities within the framework of a land use planning policy;
  - (ii) encouraging a policy of active decentralization, devolving responsibility for management and decision-making to local authorities, and encouraging initiatives and the assumption of responsibility by local communities and the establishment of local structures; and
  - (iii) adjusting, as appropriate, the institutional and regulatory framework of natural resource management to provide security of land tenure for local populations;
- (d) measures to improve knowledge of desertification:
  - (i) promoting research and the collection, processing and exchange of information on the scientific, technical and socio-economic aspects of desertification;
  - (ii) improving national capabilities in research and in the collection, processing, exchange and analysis of information so as to increase understanding and to translate the results of the analysis into operational terms; and
  - (iii) encouraging the medium and long term study of:
    - socio-economic and cultural trends in affected areas;
    - qualitative and quantitative trends in natural resources; and
    - the interaction between climate and desertification; and
- (e) measures to monitor and assess the effects of drought:
  - (i) developing strategies to evaluate the impacts of natural climate variability on regional drought and desertification and/or to utilize predictions of climate variability on seasonal to interannual time scales in efforts to mitigate the effects of drought;
  - (ii) improving early warning and response capacity, efficiently managing emergency relief and food aid, and improving food stocking and distribution systems, cattle protection schemes and public works and alternative livelihoods for drought prone areas; and
  - (iii) monitoring and assessing ecological degradation to provide reliable and timely information on the process and dynamics of resource degradation in order to facilitate better policy formulations and responses.

*Article 9*      PREPARATION OF NATIONAL ACTION PROGRAMMES AND IMPLEMENTATION AND EVALUATION INDICATORS

Each affected African country Party shall designate an appropriate national coordinating body to function as a catalyst in the preparation, implementation and evaluation of its national action programme. This coordinating body shall, in the light of article 3 and as appropriate:

- (a) undertake an identification and review of actions, beginning with a locally driven consultation process, involving local populations and communities and with the cooperation of local administrative authorities,



developed country Parties and intergovernmental and non-governmental organizations, on the basis of initial consultations of those concerned at the national level;

- (b) identify and analyze the constraints, needs and gaps affecting development and sustainable land use and recommend practical measures to avoid duplication by making full use of relevant ongoing efforts and promote implementation of results;
- (c) facilitate, design and formulate project activities based on interactive, flexible approaches in order to ensure active participation of the population in affected areas, to minimize the negative impact of such activities, and to identify and prioritize requirements for financial assistance and technical cooperation;
- (d) establish pertinent, quantifiable and readily verifiable indicators to ensure the assessment and evaluation of national action programmes, which encompass actions in the short, medium and long terms, and of the implementation of such programmes; and
- (e) prepare progress reports on the implementation of the national action programmes.

*Article 10* ORGANIZATIONAL FRAMEWORK OF SUBREGIONAL ACTION PROGRAMMES

1. Pursuant to article 4 of the Convention, African country Parties shall cooperate in the preparation and implementation of subregional action programmes for central, eastern, northern, southern and western Africa and, in that regard, may delegate the following responsibilities to relevant subregional intergovernmental organizations:

- (a) acting as focal points for preparatory activities and coordinating the implementation of the subregional action programmes;
- (b) assisting in the preparation and implementation of national action programmes;
- (c) facilitating the exchange of information, experience and know-how as well as providing advice on the review of national legislation; and
- (d) any other responsibilities relating to the implementation of subregional action programmes.

2. Specialized subregional institutions may provide support, upon request, and/or be entrusted with the responsibility to coordinate activities in their respective fields of competence.

*Article 11* CONTENT AND PREPARATION OF SUBREGIONAL ACTION PROGRAMMES

Subregional action programmes shall focus on issues that are better addressed at the subregional level. They shall establish, where necessary, mechanisms for the management of shared natural resources. Such mechanisms shall effectively handle transboundary problems associated with desertification and/or drought and shall provide support for the harmonious implementation of national action programmes. Priority areas for subregional action programmes shall, as appropriate, focus on:

- (a) joint programmes for the sustainable management of transboundary natural resources through bilateral and multilateral mechanisms, as appropriate;
- (b) coordination of programmes to develop alternative energy sources;
- (c) cooperation in the management and control of pests as well as of plant and animal diseases;
- (d) capacity building, education and public awareness activities that are better carried out or supported at the subregional level;

- (e) scientific and technical cooperation, particularly in the climatological, meteorological and hydrological fields, including networking for data collection and assessment, information sharing and project monitoring, and coordination and prioritization of research and development activities;
- (f) early warning systems and joint planning for mitigating the effects of drought, including measures to address the problems resulting from environmentally induced migrations;
- (g) exploration of ways of sharing experiences, particularly regarding participation of local populations and communities, and creation of an enabling environment for improved land use management and for use of appropriate technologies;
- (h) strengthening of the capacity of subregional organizations to coordinate and provide technical services, as well as establishment, reorientation and strengthening of subregional centres and institutions; and
- (i) development of policies in fields, such as trade, which have impact upon affected areas and populations, including policies for the coordination of regional marketing regimes and for common infrastructure.

*Article 12* ORGANIZATIONAL FRAMEWORK OF THE REGIONAL ACTION PROGRAMME

1. Pursuant to article 11 of the Convention, African country Parties shall jointly determine the procedures for preparing and implementing the regional action programme.
2. The Parties may provide appropriate support to relevant African regional institutions and organizations to enable them to assist African country Parties to fulfil their responsibilities under the Convention.

*Article 13* CONTENT OF THE REGIONAL ACTION PROGRAMME

The regional action programme includes measures relating to combating desertification and/or mitigating the effects of drought in the following priority areas, as appropriate:

- (a) development of regional cooperation and coordination of sub-regional action programmes for building regional consensus on key policy areas, including through regular consultations of sub-regional organizations;
- (b) promotion of capacity building in activities which are better implemented at the regional level;
- (c) the seeking of solutions with the international community to global economic and social issues that have an impact on affected areas taking into account article 4, paragraph 2 (b) of the Convention;
- (d) promotion among the affected country Parties of Africa and its subregions, as well as with other affected regions, of exchange of information and appropriate techniques, technical know-how and relevant experience; promotion of scientific and technological cooperation particularly in the fields of climatology, meteorology, hydrology, water resource development and alternative energy sources; coordination of sub-regional and regional research activities; and identification of regional priorities for research and development;
- (e) coordination of networks for systematic observation and assessment and information exchange, as well as their integration into world wide networks; and
- (f) coordination of and reinforcement of sub-regional and regional early warning systems and drought contingency plans.



*Article 14* FINANCIAL RESOURCES

1. Pursuant to article 20 of the Convention and article 4, paragraph 2, affected African country Parties shall endeavour to provide a macroeconomic framework conducive to the mobilization of financial resources and shall develop policies and establish procedures to channel resources more effectively to local development programmes, including through non-governmental organizations, as appropriate.
2. Pursuant to article 21, paragraphs 4 and 5 of the Convention, the Parties agree to establish an inventory of sources of funding at the national, subregional, regional and international levels to ensure the rational use of existing resources and to identify gaps in resource allocation, to facilitate implementation of the action programmes. The inventory shall be regularly reviewed and updated.
3. Consistent with article 7 of the Convention, the developed country Parties shall continue to allocate significant resources and/or increased resources as well as other forms of assistance to affected African country Parties on the basis of partnership agreements and arrangements referred to in article 18, giving, inter alia, due attention to matters related to debt, international trade and marketing arrangements in accordance with article 4, paragraph 2 (b) of the Convention.

*Article 15* FINANCIAL MECHANISMS

1. Consistent with article 7 of the Convention underscoring the priority to affected African country Parties and considering the particular situation prevailing in this region, the Parties shall pay special attention to the implementation in Africa of the provisions of article 21, paragraph 1 (d) and (e) of the Convention, notably by:
  - (a) facilitating the establishment of mechanisms, such as national desertification funds, to channel financial resources to the local level; and
  - (b) strengthening existing funds and financial mechanisms at the subregional and regional levels.
2. Consistent with articles 20 and 21 of the Convention, the Parties which are also members of the governing bodies of relevant regional and subregional financial institutions, including the African Development Bank and the African Development Fund, shall promote efforts to give due priority and attention to the activities of those institutions that advance the implementation of this Annex.
3. The Parties shall streamline, to the extent possible, procedures for channelling funds to affected African country Parties.

*Article 16* Technical assistance and cooperation

The Parties undertake, in accordance with their respective capabilities, to rationalize technical assistance to, and cooperation with, African country Parties with a view to increasing project and programme effectiveness by, inter alia:

- (a) limiting the costs of support measures and backstopping, especially overhead costs; in any case, such costs shall only represent an appropriately low percentage of the total cost of the project so,as to maximize project efficiency;
- (b) giving preference to the utilization of competent national experts or, where necessary, competent experts from within the subregion and/or region, in project design, preparation and implementation, and to the building of local expertise where it does not exist; and
- (c) effectively managing and coordinating, as well as efficiently utilizing, technical assistance to be provided.

**Article 17 TRANSFER, ACQUISITION, ADAPTATION AND ACCESS TO ENVIRONMENTALLY SOUND TECHNOLOGY**

In implementing article 18 of the Convention relating to transfer, acquisition, adaptation and development of technology, the Parties undertake to give priority to African country Parties and, as necessary, to develop with them new models of partnership and cooperation with a view to strengthening capacity building in the fields of scientific research and development and information collection and dissemination to enable them to implement their strategies to combat desertification and mitigate the effects of drought.

**Article 18 COORDINATION AND PARTNERSHIP AGREEMENTS**

1. African country Parties shall coordinate the preparation, negotiation and implementation of national, subregional and regional action programmes. They may involve, as appropriate, other Parties and relevant intergovernmental and non-governmental organizations in this process.

2. The objectives of such coordination shall be to ensure that financial and technical cooperation is consistent with the Convention and to provide the necessary continuity in the use and administration of resources.

3. African country Parties shall organize consultative processes at the national, subregional and regional levels. These consultative processes may:

- (a) serve as a forum to negotiate and conclude partnership agreements based on national, subregional and regional action programmes; and
- (b) specify the contribution of African country Parties and other members of the consultative groups to the programmes and identify priorities and agreements on implementation and evaluation indicators, as well as funding arrangements for implementation.

4. The Permanent Secretariat may, at the request of African country Parties, pursuant to article 23 of the Convention, facilitate the convocation of such consultative processes by:

- (a) providing advice on the organization of effective consultative arrangements, drawing on experiences from other such arrangements;
- (b) providing information to relevant bilateral and multilateral agencies concerning consultative meetings or processes, and encouraging their active involvement; and
- (c) providing other information that may be relevant in establishing or improving consultative arrangements.

5. The subregional and regional coordinating bodies shall, inter alia:

- (a) recommend appropriate adjustments to partnership agreements;
- (b) monitor, assess and report on the implementation of the agreed subregional and regional programmes; and
- (c) aim to ensure efficient communication and cooperation among African country Parties.

6. Participation in the consultative groups shall, as appropriate, be open to Governments, interested groups and donors, relevant organs, funds and programmes of the United Nations system, relevant subregional and regional organizations, and representatives of relevant non-governmental organizations. Participants of each consultative group shall determine the modalities of its management and operation.



7. Pursuant to article 14 of the Convention, developed country Parties are encouraged to develop, on their own initiative, an informal process of consultation and coordination among themselves, at the national, subregional and regional levels, and, at the request of an affected African country Party or of an appropriate subregional or regional organization, to participate in a national, subregional or regional consultative process that would evaluate and respond to assistance needs in order to facilitate implementation.

**Article 19 FOLLOW-UP ARRANGEMENTS**

Follow-up of this Annex shall be carried out by African country Parties in accordance with the Convention as follows:

- (a) at the national level, by a mechanism the composition of which should be determined by each affected African country Party and which shall include representatives of local communities and shall function under the supervision of the national coordinating body referred to in article 9;
- (b) at the subregional level, by a multidisciplinary scientific and technical consultative committee, the composition and modalities of operation of which shall be determined by the African country Parties of the subregion concerned; and
- (c) at the regional level, by mechanisms defined in accordance with the relevant provisions of the Treaty establishing the African Economic Community, and by an African Scientific and Technical Advisory Committee.

**ANNEX II**

**REGIONAL IMPLEMENTATION ANNEX FOR ASIA**

**Article 1 PURPOSE**

The purpose of this Annex is to provide guidelines and arrangements for the effective implementation of the Convention in the affected country Parties of the Asian region in the light of its particular conditions.

**Article 2 PARTICULAR CONDITIONS OF THE ASIAN REGION**

In carrying out their obligations under the Convention, the Parties shall, as appropriate, take into consideration the following particular conditions which apply in varying degrees to the affected country Parties of the region:

- (a) the high proportion of areas in their territories affected by, or vulnerable to, desertification and drought and the broad diversity of these areas with regard to climate, topography, land use and socio-economic systems;
- (b) the heavy pressure on natural resources for livelihoods;
- (c) the existence of production systems, directly related to widespread poverty, leading to land degradation and to pressure on scarce water resources;
- (d) the significant impact of conditions in the world economy and social problems such as poverty, poor health and nutrition, lack of food security, migration, displaced persons and demographic dynamics;
- (e) their expanding, but still insufficient, capacity and institutional frameworks to deal with national desertification and drought problems; and

- (f) their need for international cooperation to pursue sustainable development objectives relating to combating desertification and mitigating the effects of drought.

*Article 3*      FRAMEWORK FOR NATIONAL ACTION PROGRAMMES

1. National action programmes shall be an integral part of broader national policies for sustainable development of the affected country Parties of the region.
2. The affected country Parties shall, as appropriate, develop national action programmes pursuant to articles 9 to 11 of the Convention, paying special attention to article 10, paragraph 2 (f). As appropriate, bilateral and multilateral cooperation agencies may be involved in this process at the request of the affected country Party concerned.

*Article 4*      NATIONAL ACTION PROGRAMMES

1. In preparing and implementing national action programmes, the affected country Parties of the region, consistent with their respective circumstances and policies, may, inter alia, as appropriate:
  - (a) designate appropriate bodies responsible for the preparation, coordination and implementation of their action programmes;
  - (b) involve affected populations, including local communities, in the elaboration, coordination and implementation of their action programmes through a locally driven consultative process, with the cooperation of local authorities and relevant national and non-governmental organizations;
  - (c) survey the state of the environment in affected areas to assess the causes and consequences of desertification and to determine priority areas for action;
  - (d) evaluate, with the participation of affected populations, past and current programmes for combating desertification and mitigating the effects of drought, in order to design a strategy and elaborate activities in their action programmes;
  - (e) prepare technical and financial programmes based on the information derived from the activities in subparagraphs (a) to (d);
  - (f) develop and utilize procedures and benchmarks for evaluating implementation of their action programmes;
  - (g) promote the integrated management of drainage basins, the conservation of soil resources, and the enhancement and efficient use of water resources;
  - (h) strengthen and/or establish information, evaluation and follow up and early warning systems in regions prone to desertification and drought, taking account of climatological, meteorological, hydrological, biological and other relevant factors; and
  - (i) formulate in a spirit of partnership, where international cooperation, including financial and technical resources, is involved, appropriate arrangements supporting their action programmes.
2. Consistent with article 10 of the Convention, the overall strategy of national action programmes shall emphasize integrated local development programmes for affected areas, based on participatory mechanisms and on the integration of strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought. Sectoral measures in the action programmes shall be grouped in priority fields which take account of the broad diversity of affected areas in the region referred to in article 2 (a).



*Article 5* SUBREGIONAL AND JOINT ACTION PROGRAMMES

1. Pursuant to article 11 of the Convention, affected country Parties in Asia may mutually agree to consult and cooperate with other Parties, as appropriate, to prepare and implement subregional or joint action programmes, as appropriate, in order to complement, and increase effectiveness in the implementation of, national action programmes. In either case, the relevant Parties may jointly agree to entrust subregional, including bilateral or national organizations, or specialized institutions, with responsibilities relating to the preparation, coordination and implementation of programmes. Such organizations or institutions may also act as focal points for the promotion and coordination of actions pursuant to articles 16 to 18 of the Convention.

2. In preparing and implementing subregional or joint action programmes, the affected country Parties of the region shall, *inter alia*, as appropriate:

- (a) identify, in cooperation with national institutions, priorities relating to combating desertification and mitigating the effects of drought which can better be met by such programmes, as well as relevant activities which could be effectively carried out through them;
- (b) evaluate the operational capacities and activities of relevant regional, subregional and national institutions;
- (c) assess existing programmes relating to desertification and drought among all or some parties of the region or subregion and their relationship with national action programmes; and
- (d) formulate in a spirit of partnership, where international cooperation, including financial and technical resources, is involved, appropriate bilateral and/or multilateral arrangements supporting the programmes.

3. Subregional or joint action programmes may include agreed joint programmes for the sustainable management of transboundary natural resources relating to desertification, priorities for coordination and other activities in the fields of capacity building, scientific and technical cooperation, particularly drought early warning systems and information sharing, and means of strengthening the relevant subregional and other organizations or institutions.

*Article 6* REGIONAL ACTIVITIES

Regional activities for the enhancement of subregional or joint action programmes may include, *inter alia*, measures to strengthen institutions and mechanisms for coordination and cooperation at the national, subregional and regional levels, and to promote the implementation of articles 16 to 19 of the Convention. These activities may also include:

- (a) promoting and strengthening technical cooperation networks;
- (b) preparing inventories of technologies, knowledge, know-how and practices, as well as traditional and local technologies and know-how, and promoting their dissemination and use;
- (c) evaluating the requirements for technology transfer and promoting the adaptation and use of such technologies; and
- (d) encouraging public awareness programmes and promoting capacity building at all levels, strengthening training, research and development and building systems for human resource development.

*Article 7* FINANCIAL RESOURCES AND MECHANISMS

1. The Parties shall, in view of the importance of combating desertification and mitigating the effects of drought in the Asian region, promote the mobilization of substantial financial resources and the availability of financial mechanisms, pursuant to articles 20 and 21 of the Convention.

2. In conformity with the Convention and on the basis of the coordinating mechanism provided for in article 8 and in accordance with their national development policies, affected country Parties of the region shall, individually or jointly:

- (a) adopt measures to rationalize and strengthen mechanisms to supply funds through public and private investment with a view to achieving specific results in action to combat desertification and mitigate the effects of drought;
- (b) identify international cooperation requirements in support of national efforts, particularly financial, technical and technological; and
- (c) promote the participation of bilateral and/or multilateral financial cooperation institutions with a view to ensuring implementation of the Convention.

3. The Parties shall streamline, to the extent possible, procedures for channelling funds to affected country Parties in the region.

#### Article 8 COOPERATION AND COORDINATION MECHANISMS

1. Affected country Parties, through the appropriate bodies designated pursuant to article 4, paragraph 1 (a), and other Parties in the region, may, as appropriate, set up a mechanism for, inter alia, the following purposes:

- (a) exchange of information, experience, knowledge and know-how;
- (b) cooperation and coordination of actions, including bilateral and multilateral arrangements, at the subregional and regional levels;
- (c) promotion of scientific, technical, technological and financial cooperation pursuant to articles 5 to 7;
- (d) identification of external cooperation requirements; and
- (e) follow-up and evaluation of the implementation of action programmes.

2. Affected country Parties, through the appropriate bodies designated pursuant to article 4, paragraph 1 (a), and other Parties in the region, may also, as appropriate, consult and coordinate as regards the national, subregional and joint action programmes. They may involve, as appropriate, other Parties and relevant intergovernmental and non-governmental organizations in this process. Such coordination shall, inter alia, seek to secure agreement on opportunities for international cooperation in accordance with articles 20 and 21 of the Convention, enhance technical cooperation and channel resources so that they are used effectively.

3. Affected country Parties of the region shall hold periodic coordination meetings, and the Permanent Secretariat may, at their request, pursuant to article 23 of the Convention, facilitate the convocation of such coordination meetings by:

- (a) providing advice on the organization of effective coordination arrangements, drawing on experience from other such arrangements;
- (b) providing information to relevant bilateral and multilateral agencies concerning coordination meetings, and encouraging their active involvement; and
- (c) providing other information that may be relevant in establishing or improving coordination processes.



**ANNEX III**

**REGIONAL IMPLEMENTATION ANNEX  
FOR LATIN AMERICA AND THE CARIBBEAN**

**Article 1**      **PURPOSE**

The purpose of this Annex is to provide general guidelines for the implementation of the Convention in the Latin American and Caribbean region, in light of its particular conditions.

**Article 2**      **PARTICULAR CONDITIONS OF THE LATIN AMERICAN AND CARIBBEAN REGION**

The Parties shall, in accordance with the provisions of the Convention, take into consideration the following particular conditions of the region:

- (a) the existence of broad expanses which are vulnerable and have been severely affected by desertification and/or drought and in which diverse characteristics may be observed, depending on the area in which they occur; this cumulative and intensifying process has negative social, cultural, economic and environmental effects which are all the more serious in that the region contains one of the largest resources of biological diversity in the world;
- (b) the frequent use of unsustainable development practices in affected areas as a result of complex interactions among physical, biological, political, social, cultural and economic factors, including international economic factors such as external indebtedness, deteriorating terms of trade and trade practices which affect markets for agricultural, fishery and forestry products; and
- (c) a sharp drop in the productivity of ecosystems being the main consequence of desertification and drought, taking the form of a decline in agricultural, livestock and forestry yields and a loss of biological diversity; from the social point of view, the results are impoverishment, migration, internal population movements, and the deterioration of the quality of life; the region will therefore have to adopt an integrated approach to problems of desertification and drought by promoting sustainable development models that are in keeping with the environmental, economic and social situation in each country.

**Article 3**      **ACTION PROGRAMMES**

1. In conformity with the Convention, in particular its articles 9 to 11, and in accordance with their national development policies, affected country Parties of the region shall, as appropriate, prepare and implement national action programmes to combat desertification and mitigate the effects of drought as an integral part of their national policies for sustainable development. Subregional and regional programmes may be prepared and implemented in accordance with the requirements of the region.

2. In the preparation of their national action programmes, affected country Parties of the region shall pay particular attention to article 10, paragraph 2 (f) of the Convention.

**Article 4**      **CONTENT OF NATIONAL ACTION PROGRAMMES**

In the light of their respective situations, the affected country Parties of the region may take account, inter alia, of the following thematic issues in developing their national strategies for action to combat desertification and/or mitigate the effects of drought, pursuant to article 5 of the Convention:

- (a) increasing capacities, education and public awareness, technical, scientific and technological cooperation and financial resources and mechanisms;
- (b) eradicating poverty and improving the quality of human life;
- (c) achieving food security and sustainable development and management of agricultural, livestock-rearing, forestry and multipurpose activities;
- (d) sustainable management of natural resources, especially the rational management of drainage basins;
- (e) sustainable management of natural resources in high-altitude areas;
- (f) rational management and conservation of soil resources and exploitation and efficient use of water resources;
- (g) formulation and application of emergency plans to mitigate the effects of drought;
- (h) strengthening and/or establishing information, evaluation and follow-up and early warning systems in areas prone to desertification and drought, taking account of climatological, meteorological, hydrological, biological, soil, economic and social factors;
- (i) developing, managing and efficiently using diverse sources of energy, including the promotion of alternative sources;
- (j) conservation and sustainable use of biodiversity in accordance with the provisions of the Convention on Biological Diversity;
- (k) consideration of demographic aspects related to desertification and drought; and
- (l) establishing or strengthening institutional and legal frameworks permitting application of the Convention and aimed, *inter alia*, at decentralizing administrative structures and functions relating to desertification and drought, with the participation of affected communities and society in general.

*Article 5* TECHNICAL, SCIENTIFIC AND TECHNOLOGICAL COOPERATION

In conformity with the Convention, in particular its articles 16 to 18, and on the basis of the coordinating mechanism provided for in article 7, affected country Parties of the region shall, individually or jointly:

- (a) promote the strengthening of technical cooperation networks and national, subregional and regional information systems, as well as their integration, as appropriate, in worldwide sources of information;
- (b) prepare an inventory of available technologies and know-how and promote their dissemination and use;
- (c) promote the use of traditional technology, knowledge, know-how and practices pursuant to article 18, paragraph 2 (b), of the Convention;
- (d) identify transfer of technology requirements; and
- (e) promote the development, adaptation, adoption and transfer of relevant existing and new environmentally sound technologies.



*Article 6* FINANCIAL RESOURCES AND MECHANISMS

In conformity with the Convention, in particular its articles 20 and 21, on the basis of the coordinating mechanism provided for in article 7 and in accordance with their national development policies, affected country Parties of the region shall, individually or jointly:

- (a) adopt measures to rationalize and strengthen mechanisms to supply funds through public and private investment with a view to achieving specific results in action to combat desertification and mitigate the effects of drought;
- (b) identify international cooperation requirements in support of national efforts; and
- (c) promote the participation of bilateral and/or multilateral financial cooperation institutions with a view to ensuring implementation of the Convention.

*Article 7* INSTITUTIONAL FRAMEWORK

1. In order to give effect to this Annex, affected country Parties of the region shall:

- (a) establish and/or strengthen national focal points to coordinate action to combat desertification and/or mitigate the effects of drought; and
- (b) set up a mechanism to coordinate the national focal points for the following purposes:
  - (i) exchanges of information and experience;
  - (ii) coordination of activities at the subregional and regional levels;
  - (iii) promotion of technical, scientific, technological and financial cooperation;
  - (iv) identification of external cooperation requirements; and
  - (v) follow-up and evaluation of the implementation of action programmes.

2. Affected country Parties of the region shall hold periodic coordination meetings and the Permanent Secretariat may, at their request, pursuant to article 23 of the Convention, facilitate the convocation of such coordination meetings, by:

- (a) providing advice on the organization of effective coordination arrangements, drawing on experience from other such arrangements;
- (b) providing information to relevant bilateral and multilateral agencies concerning coordination meetings, and encouraging their active involvement; and
- (c) providing other information that may be relevant in establishing or improving coordination processes.

**ANNEX IV REGIONAL IMPLEMENTATION ANNEX FOR THE NORTHERN MEDITERRANEAN**

**REGIONAL IMPLEMENTATION ANNEX FOR THE NORTHERN MEDITERRANEAN**

**Article 1 PURPOSE**

The purpose of this Annex is to provide guidelines and arrangements necessary for the effective implementation of the Convention in affected country Parties of the northern Mediterranean region in the light of its particular conditions.

**Article 2 PARTICULAR CONDITIONS OF THE NORTHERN MEDITERRANEAN REGION**

The particular conditions of the northern Mediterranean region referred to in article 1 include:

- (a) semi-arid climatic conditions affecting large areas, seasonal droughts, very high rainfall variability and sudden and high-intensity rainfall;
- (b) poor and highly erodible soils, prone to develop surface crusts;
- (c) uneven relief with steep slopes and very diversified landscapes;
- (d) extensive forest coverage losses due to frequent wildfires;
- (e) crisis conditions in traditional agriculture with associated land abandonment and deterioration of soil and water conservation structures;
- (f) unsustainable exploitation of water resources leading to serious environmental damage, including chemical pollution, salinization and exhaustion of aquifers; and
- (g) concentration of economic activity in coastal areas as a result of urban growth, industrial activities, tourism and irrigated agriculture.

**Article 3 STRATEGIC PLANNING FRAMEWORK FOR SUSTAINABLE DEVELOPMENT**

1. National action programmes shall be a central and integral part of the strategic planning framework for sustainable development of the affected country Parties of the northern Mediterranean.

2. A consultative and participatory process, involving appropriate levels of government, local communities and non-governmental organizations, shall be undertaken to provide guidance on a strategy with flexible planning to allow maximum local participation, pursuant to article 10, paragraph 2 (f) of the Convention.

**Article 4 OBLIGATION TO PREPARE NATIONAL ACTION PROGRAMMES AND TIMETABLE**

Affected country Parties of the northern Mediterranean region shall prepare national action programmes and, as appropriate, subregional, regional or joint action programmes. The preparation of such programmes shall be finalized as soon as practicable.



**Article 5 PREPARATION AND IMPLEMENTATION OF NATIONAL ACTION PROGRAMMES**

In preparing and implementing national action programmes pursuant to articles 9 and 10 of the Convention, each affected country Party of the region shall, as appropriate:

- (a) designate appropriate bodies responsible for the preparation, coordination and implementation of its programme;
- (b) involve affected populations, including local communities, in the elaboration, coordination and implementation of the programme through a locally driven consultative process, with the cooperation of local authorities and relevant non-governmental organizations;
- (c) survey the state of the environment in affected areas to assess the causes and consequences of desertification and to determine priority areas for action;
- (d) evaluate, with the participation of affected populations, past and current programmes in order to design a strategy and elaborate activities in the action programme;
- (e) prepare technical and financial programmes based on the information gained through the activities in subparagraphs (a) to (d); and
- (f) develop and utilize procedures and benchmarks for monitoring and evaluating the implementation of the programme.

**Article 6 CONTENT OF NATIONAL ACTION PROGRAMMES**

Affected country Parties of the region may include, in their national action programmes, measures relating to:

- (a) legislative, institutional and administrative areas;
- (b) land use patterns, management of water resources, soil conservation, forestry, agricultural activities and pasture and range management;
- (c) management and conservation of wildlife and other forms of biological diversity;
- (d) protection against forest fires;
- (e) promotion of alternative livelihoods; and
- (f) research, training and public awareness.

**Article 7 SUBREGIONAL, REGIONAL AND JOINT ACTION PROGRAMMES**

1. Affected country Parties of the region may, in accordance with article 11 of the Convention, prepare and implement subregional and/or regional action programmes in order to complement and increase the efficiency of national action programmes. Two or more affected country Parties of the region, may similarly agree to prepare a joint action programme between or among them.

2. The provisions of articles 5 and 6 shall apply mutatis mutandis to the preparation and implementation of subregional, regional and joint action programmes. In addition, such programmes may include the conduct of research and development activities concerning selected ecosystems in affected areas.

3. In preparing and implementing subregional, regional or joint action programmes, affected country Parties of the region shall, as appropriate:

- (a) identify, in cooperation with national institutions, national objectives relating to desertification which can better be met by such programmes and relevant activities which could be effectively carried out through them;
- (b) evaluate the operational capacities and activities of relevant regional, subregional and national institutions; and
- (c) assess existing programmes relating to desertification among Parties of the region and their relationship with national action programmes.

*Article 8*      COORDINATION OF SUBREGIONAL, REGIONAL AND JOINT ACTION PROGRAMMES

Affected country Parties preparing a subregional, regional or joint action programme may establish a coordination committee composed of representatives of each affected country Party concerned to review progress in combating desertification, harmonize national action programmes, make recommendations at the various stages of preparation and implementation of the subregional, regional or joint action programme, and act as a focal point for the promotion and coordination of technical cooperation pursuant to articles 16 to 19 of the Convention.

*Article 9*      NON-ELIGIBILITY FOR FINANCIAL ASSISTANCE

In implementing national, subregional, regional and joint action programmes, affected developed country Parties of the region are not eligible to receive financial assistance under this Convention.

*Article 10*     COORDINATION WITH OTHER SUBREGIONS AND REGIONS

Subregional, regional and joint action programmes in the northern Mediterranean region may be prepared and implemented in collaboration with those of other subregions or regions, particularly with those of the subregion of northern Africa.

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**PART B**

**INSTRUMENTS**

## DECLARATION OF THE UNITED NATIONS CONFERENCE ON THE HUMAN ENVIRONMENT

Stockholm, 1972

*The United Nations Conference on the Human Environment,*

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

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

*Proclaims that:*

1. Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights--even the right to life itself.
2. The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments.
3. Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. In our time, man's capability to transform his surroundings, if used wisely, can bring to all peoples the benefits of development and the opportunity to enhance the quality of life. Wrongly or heedlessly applied, the same power can do incalculable harm to human beings and the human environment. We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies, harmful to the physical, mental and social health of man, in the man-made environment, particularly in the living and working environment.
4. In the developing countries most of the environmental problems are caused by under-development. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap 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 imperiled by a combination of adverse factors. Nature conservation, including wildlife must therefore receive importance in planning for economic development.

***Principle 5***

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

***Principle 6***

The discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the peoples of all countries against pollution should be supported.

***Principle 7***

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

***Principle 8***

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

***Principle 9***

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

***Principle 10***

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

***Principle 11***

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



***Principle 12***

Resources should be made available to preserve and improve the environment, taking into account the in 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 coordinated 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 connection, the free flow of up-to-date scientific information and transfer of experience must be supported and assisted, to facilitate the solution of environmental problems; environmental technologies should be made available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries.

***Principle 21***

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

***Principle 22***

States shall co-operate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jurisdiction.

***Principle 23***

Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

***Principle 24***

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

***Principle 25***

States shall ensure that international organizations play a co-ordinate, 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**

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<sup>1</sup>, and seeking to build upon it,

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

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

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

*Proclaims that:*

### *Principle 1*

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

### *Principle 2*

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

### *Principle 3*

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

### *Principle 4*

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

### *Principle 5*

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

*Principle 6*

The special situation and needs of developing countries, particularly the least developed and those most environmentally vulnerable, shall be given special priority. International 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 conomic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental



challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

*Principle 13*

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

*Principle 14*

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

*Principle 15*

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

*Principle 16*

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

*Principle 17*

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

*Principle 18*

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

*Principle 19*

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

*Principle 20*

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

*Principle 21*

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

*Principle 22*

Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement of sustainable development.

*Principle 23*

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

*Principle 24*

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

*Principle 25*

Peace, development and environmental protection are interdependent and indivisible.

*Principle 26*

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

*Principle 27*

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

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<sup>4/</sup> Report of the United Nations Conference on the Human Environment, Stockholm, 5-16 June 1996, 1972 (United Nations publication, Sales no. E.73.II.A.14 and corrigendum), chap. I.



## THE FOREST PRINCIPLES (1992)

### ANNEX III

#### NON-LEGALLY BINDING AUTHORITATIVE STATEMENT OF PRINCIPLES FOR A GLOBAL CONSENSUS ON THE MANAGEMENT, CONSERVATION AND SUSTAINABLE DEVELOPMENT OF ALL TYPES OF FORESTS

##### PREAMBLE

- (a) The subject of forests is related to the entire range of environmental and development issues and opportunities, including the right to socio-economic development on a sustainable basis.
- (b) The guiding objective of these principles is to contribute to the management, conservation and sustainable development of forests and to provide for their multiple and complementary functions and uses.
- (c) Forestry issues and opportunities should be examined in a holistic and balanced manner within the overall context of environment and development, taking into consideration the multiple functions and uses of forests, including traditional uses, and the likely economic and social stress when these uses are constrained or restricted, as well as the potential for development that sustainable forest management can offer.
- (d) These principles reflect a first global consensus on forests. In committing themselves to the prompt implementation of these principles, countries also decide to keep them under assessment for their adequacy with regard to further international cooperation on forest issues.
- (e) These principles should apply to all types of forests, both natural and planted, in all geographic regions and climatic zones, including austral, boreal, subtemperate, temperate, subtropical and tropical.
- (f) All types of forests embody complex and unique ecological processes which are the basis for their present and potential capacity to provide resources to satisfy human needs as well as environmental values, and as such their sound management and conservation is of concern to the Governments of the countries to which they belong and are of value to local communities and to the environment as a whole.
- (g) Forests are essential to economic development and the maintenance of all forms of life.
- (h) Recognizing that the responsibility for forest management, conservation and sustainable development is in many States allocated among federal/national, state/provincial and local levels of government, each State, in accordance with its constitution and/or national legislation, should pursue these principles at the appropriate level of government.

##### PRINCIPLES/ELEMENTS

- 1.(a) "States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies and have the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction".
- (b) The agreed full incremental cost of achieving benefits associated with forest conservation and sustainable development requires increased international cooperation and should be equitably shared by the international community.
- 2.(a) States have the sovereign and inalienable right to utilize, manage and develop their forests in accordance

with their development needs and level of socio-economic development and on the basis of national policies consistent with sustainable development and legislation, including the conversion of such areas for other uses within the overall socio-economic development plan and based on rational land-use policies.

- (b) Forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual human needs of present and future generations. These needs are for forest products and services, such as wood and wood products, water, food, fodder, medicine, fuel, shelter, employment, recreation, habitats for wildlife, landscape diversity, carbon sinks and reservoirs, and for other forest products. Appropriate measures should be taken to protect forests against harmful effects of pollution, including air-borne pollution, fires, pests and diseases in order to maintain their full multiple value.
  - (c) The provision of timely, reliable and accurate information on forests and forest ecosystems is essential for public understanding and informed decision-making and should be ensured.
  - (d) Governments should promote and provide opportunities for the participation of interested parties, including local communities and indigenous people, industries, labour, non-governmental organizations and individuals, forest dwellers and women, in the development, implementation and planning of national forest policies.
- 3.(a) National policies and strategies should provide a framework for increased efforts, including the development and strengthening of institutions and programmes for the management, conservation and sustainable development of forests and forest lands.
- (b) International institutional arrangements, building on those organizations and mechanisms already in existence, as appropriate, should facilitate international cooperation in the field of forests.
  - (c) All aspects of environmental protection and social and economic development as they relate to forests and forest lands should be integrated and comprehensive.
4. The vital role of all types of forests in maintaining the ecological processes and balance at the local, national, regional and global levels through, inter alia, their role in protecting fragile ecosystems, watersheds and freshwater resources and as rich storehouses of biodiversity and biological resources and sources of genetic material for biotechnology products, as well as photosynthesis, should be recognized.
- 5.(a) National forest policies should recognize and duly support the identity, culture and the rights of indigenous people, their communities and other communities and forest dwellers. Appropriate conditions should be promoted for these groups to enable them to have an economic stake in forest use, perform economic activities, and achieve and maintain cultural identity and social organization, as well as adequate levels of livelihood and well-being, through, inter alia, those land tenure arrangements which serve as incentives for the sustainable management of forests.
- (b) The full participation of women in all aspects of the management, conservation and sustainable development of forests should be actively promoted.
- 6.(a) All types of forests play an important role in meeting energy requirements through the provision of a renewable source of bio-energy, particularly in developing countries, and the demands for fuel-wood for household and industrial needs should be met through sustainable forest management, afforestation and reforestation. To this end, the potential contribution of plantations of both indigenous and introduced species for the provision of both fuel and industrial wood should be recognized.
- (b) National policies and programmes should take into account the relationship, where it exists, between the conservation, management and sustainable development of forests and all aspects related to the production, consumption, recycling and/or final disposal of forest products.
  - (c) Decisions taken on the management, conservation and sustainable development of forest resources should



benefit, to the extent practicable, from a comprehensive assessment of economic and non-economic values of forest goods and services and of the environmental costs and benefits. The development and improvement of methodologies for such evaluations should be promoted.

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

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

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

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

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

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

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

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

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

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

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



- 9.(a) The efforts of developing countries to strengthen the management, conservation and sustainable development of their forest resources should be supported by the international community, taking into account the importance of redressing external indebtedness, particularly where aggravated by the net transfer of resources to developed countries, as well as the problem of achieving at least the replacement value of forests through improved market access for forest products, especially processed products. In this respect, special attention should also be given to the countries undergoing the process of transition to market economies.
- (b) The problems that hinder efforts to attain the conservation and sustainable use of forest resources and that stem from the lack of alternative options available to local communities, in particular the urban poor and poor rural populations who are economically and socially dependent on forests and forest resources, should be addressed by Governments and the international community.
- (c) National policy formulation with respect to all types of forests should take account of the pressures and demands imposed on forest ecosystems and resources from influencing factors outside the forest sector, and intersectoral means of dealing with these pressures and demands should be sought.
10. New and additional financial resources should be provided to developing countries to enable them to sustainably manage, conserve and develop their forest resources, including through afforestation, reforestation and combating deforestation and forest and land degradation.
11. In order to enable, in particular, developing countries to enhance their endogenous capacity and to better manage, conserve and develop their forest resources, the access to and transfer of environmentally sound technologies and corresponding know-how on favourable terms, including on concessional and preferential terms, as mutually agreed, in accordance with the relevant provisions of Agenda 21, should be promoted, facilitated and financed, as appropriate.
- 12.(a) Scientific research, forest inventories and assessments carried out by national institutions which take into account, where relevant, biological, physical, social and economic variables, as well as technological development and its application in the field of sustainable forest management, conservation and development, should be strengthened through effective modalities, including international cooperation. In this context, attention should also be given to research and development of sustainably harvested non-wood products.
- (b) National and, where appropriate, regional and international institutional capabilities in education, training, science, technology, economics, anthropology and social aspects of forests and forest management are essential to the conservation and sustainable development of forests and should be strengthened.
- (c) International exchange of information on the results of forest and forest management research and development should be enhanced and broadened, as appropriate, making full use of education and training institutions, including those in the private sector.
- (d) Appropriate indigenous capacity and local knowledge regarding the conservation and sustainable development of forests should, through institutional and financial support, and in collaboration with the people in local communities concerned, be recognized, respected, recorded, developed and, as appropriate, introduced in the implementation of programmes. Benefits arising from the utilization of indigenous knowledge should therefore be equitably shared with such people.
- 13.(a) Trade in forest products should be based on non-discriminatory and multilaterally agreed rules and procedures consistent with international trade law and practices. In this context, open and free international trade in forest products should be facilitated.
- (b) Reduction or removal of tariff barriers and impediments to the provision of better market access and better prices for higher value-added forest products and their local processing should be encouraged to enable



producer countries to better conserve and manage their renewable forest resources.

- (c) Incorporation of environmental costs and benefits into market forces and mechanisms, in order to achieve forest conservation and sustainable development, should be encouraged both domestically and internationally.
- (d) Forest conservation and sustainable development policies should be integrated with economic, trade and other relevant policies.
- (e) Fiscal, trade, industrial, transportation and other policies and practices that may lead to forest degradation should be avoided. Adequate policies, aimed at management, conservation and sustainable development of forests, including where appropriate, incentives, should be encouraged.

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

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

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## WASHINGTON DECLARATION ON PROTECTION OF THE MARINE ENVIRONMENT FROM LAND-BASED ACTIVITIES (1995)

### PREAMBLE

The representatives of Governments and the European Commission participating in the Conference held in Washington from 23 October to 3 November 1995,

*Affirming* the need and will to protect and preserve the marine environment for present and future generations,

*Reaffirming* the relevant provisions of chapters 17, 33 and 34 of Agenda 21 and the Rio Declaration on Environment and Development,

*Recognising* the interdependence of human populations and the coastal and marine environment, and the growing and serious threat from land-based activities, to both human health and well-being and the integrity of coastal and marine ecosystems and biodiversity,

*Further recognizing* the importance of integrated coastal area management and the catchment-area-based approach as means of co-ordinating programmes aimed at preventing marine degradation from land-based activities with economic and social development programmes,

*Also recognizing* that the alleviation of poverty is an essential factor in addressing the impacts of land-based activities on coastal and marine areas,

*Noting* that there are major differences among the different regions of the world, and the States which they comprise, in terms of environmental, economic and social conditions and level of development which will lead to different judgements on priorities in addressing problems related to the degradation of the marine environment by land-based activities,

*Acknowledging* the need to involve major groups in national, regional and international activities to address degradation of the marine environment by land-based activities,

*Strongly supporting* the processes set forth in decisions 18/31 and 18/32 of 25 May 1995 of the Governing Council of the United Nations Environment Programme for addressing at the global level the priority issues of persistent organic pollutants and adequate treatment of waste water,

*Having therefore adopted* the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities,

*Hereby declare their commitment to Protect and preserve the marine environment from the impacts of land-based activities, and*

*Declare their intention to do so by*

1. Setting as their common goal sustained and effective action to deal with all land-based impacts upon the marine environment, specifically those resulting from sewage, persistent organic pollutants, radioactive substances, heavy metals, oils (hydrocarbons), nutrients, sediment mobilization, litter, and physical alteration and destruction of habitat;
2. Developing or reviewing national action programmes within a few years on the basis of national priorities and strategies;



3. Taking forward action to implement these programmes in accordance with national capacities and priorities;
4. Co-operating to build capacities and mobilise resources for the development and implementation of such programmes, in particular for developing countries, especially the least developed countries, countries with economies in transition and small island developing States (hereinafter referred to as "countries in need of assistance");
5. Taking immediate preventive and remedial action, wherever possible, using existing knowledge, resources, plans and processes;
6. Promoting access to cleaner technologies, knowledge and expertise to address land-based activities that degrade the marine environment, in particular for countries in need of assistance;
7. Co-operating on a regional basis to co-ordinate efforts for maximum efficiency and to facilitate action at the national level, including, where appropriate, becoming parties to and strengthening regional co-operative agreements and creating new agreements where necessary;
8. Encouraging co-operative and collaborative action and partnerships, among governmental institutions and organisations, communities, the private sector and non-governmental organisations which have relevant responsibilities and/or experience;
9. Encouraging and/or making available external financing, given that funding from domestic sources and mechanisms for the implementation of the Global Programme of Action by countries in need of assistance may be insufficient;
10. Promoting the full range of available management tools and financing options in implementing national or regional programmes of action, including innovative managerial and financial techniques, while recognizing the differences between countries in need of assistance and developed States;
11. Urging national and international institutions and the private sector, bilateral donors and multilateral funding agencies to accord priority to projects within national and regional programmes to implement the Global Programme of Action and encouraging the Global Environment Facility to support these projects;
12. Calling upon the United Nations Environment Programme, the United Nations Development Programme, the World Bank, the regional development banks, as well as the agencies within the United Nations system to ensure that their programmes support (through, *inter alia*, financial co-operation, capacity-building and institutional-strengthening mechanisms) the regional structures in place for the protection of the marine environment;
13. According priority to implementation of the Global Programme of Action within the United Nations system, as well as in other global and regional institutions and organisations with responsibilities and capabilities for addressing marine degradation from land-based activities, and specifically:
  - (a) Securing formal endorsement of those parts of the Global Programme of Action that are relevant to such institutions and organisations and incorporating the relevant provisions into their work programmes;
  - (b) Establishing a clearing-house mechanism to provide decision makers in all States with direct access to relevant sources of information, practical experience and scientific and technical expertise and to facilitate effective scientific, technical and financial co-operation as well as capacity-building; and
  - (c) Providing for periodic intergovernmental review of the Global Programme of Action, taking into account regular assessments of the state of the marine environment;
14. Promoting action to deal with the consequences of sea-based activities, such as shipping, offshore activities and ocean dumping, which require national and/or regional actions on land, including establishing adequate reception and recycling facilities;

15. Giving priority to the treatment and management of waste water and industrial effluents, as part of the overall management of water resources, especially through the installation of environmentally and economically appropriate sewage systems, including studying mechanisms to channel additional resources for this purpose expeditiously to countries in need of assistance;

16. Requesting the Executive Director of the United Nations Environment Programme, in close partnership with the World Health Organisation, the United Nations Centre for Human Settlements (Habitat), the United Nations Development Programme and other relevant organisations, to prepare proposals for a plan to address the global nature of the problem of inadequate management and treatment of waste water and its consequences for human health and the environment, and to promote the transfer of appropriate and affordable technology drawn from the best available techniques;

17. Acting to develop, in accordance with the provisions of the Global Programme of Action, a global, legally binding instrument for the reduction and/or elimination of emissions, discharges and, where appropriate, the elimination of the manufacture and use of the persistent organic pollutants identified in decision 18/32 of the Governing Council of the United Nations Environment Programme. The nature of the obligations undertaken must be developed recognizing the special circumstances of countries in need of assistance. Particular attention should be devoted to the potential need for the continued use of certain persistent organic pollutants to safeguard human health, sustain food production and to alleviate poverty in the absence of alternatives and the difficulty of acquiring substitutes and transferring of technology for the development and/or production of those substitutes; and

18. Elaborating the steps relating to institutional follow-up, including the clearing-house mechanism, in a resolution of the United Nations General Assembly at its fifty-first session, and in that regard, States should co-ordinate with the United Nations Environment Programme, as secretariat of the Global Programme of Action, and other relevant agencies within the United Nations system in the development of the resolution and include it on the agenda of the Commission on Sustainable Development at its inter-sessional meeting in February 1996 and its session in April 1996.

*Washington, D.C., 1 November 1995*

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## **ACTION PLAN FOR THE PROTECTION AND MANAGEMENT OF THE MARINE AND COASTAL ENVIRONMENT OF THE SOUTH ASIAN SEAS REGION**

### **INTRODUCTION**

1. With the formation of the South Asia Co-operative Environment Programme (SACEP), the interest of South Asian Coastal States in the Regional Seas Programme of the United Nations Environment Programme (UNEP) was revived and at the request of these States the "South Asian Seas" has been designated by the Governing Council of UNEP<sup>1</sup> as an area in which UNEP, in close collaboration with SACEP and the Governments concerned, should assist in the formulation of a Plan of Action for the environmental protection of the region within the framework of the Regional Seas Programme, in line with the provisions of Chapter 17 of Agenda 21.

2. The following preparatory work contributed to the development of this action plan:

2.1 a mission to the States of the region in October/November 1982 and February 1983 to ascertain the views of the Governments regarding a Regional Programme in the South Asian Seas

2.2 Meeting of National Focal Points on the Development of an Action Plan for the Protection and Management of the South Asian Seas Region (Bangkok, 19 - 21 March 1984)

2.3 Meeting of Experts on the South Asian Seas Regional Programme (Bangkok, 2 - 5 December 1986)

2.4 Second Meeting of National Focal Points on the Development of an Action Plan for the Protection and Management of the South Asian Seas Region (Bangkok, 7 - 11 December 1987)

2.5 ESCAP/UNEP/SACEP Workshop on Management Strategies for the Protection of the Coastal and Marine Environment in the South Asian Seas Region (Colombo, 20 - 23 December 1993)

2.6 ESCAP/UNEP/SACEP Intergovernmental Meeting on Capacity Building in Coastal Environmental Management in the South Asian Seas Region (New Delhi, 17 - 19 May 1994)

2.7 Third Meeting of National Focal Points on the Development of an Action Plan for the Protection and Management of the South Asian Seas Region (Colombo, 23 - 25 November 1994)

2.8 Fourth Meeting of National Focal Points on the Development of an Action Plan for the Protection and Management of the South Asian Seas Region (New Delhi, 23 March 1995)

3. For the purposes of this Action Plan, the South Asian Seas Region covers the marine and related coastal environment, including international waters adjacent to the following states:

Bangladesh  
India  
Maldives  
Pakistan  
Sri Lanka

4. All components of the Action Plan are interdependent and provide a framework for comprehensive action which should contribute to both the protection and the continued development of the region. No component is an end in itself. Each activity is intended to assist the Governments of the region to strengthen the process through which environmental management policies are formulated and to improve the quality of the information on which these policies are based.

5. The objective of the Action Plan is to protect and manage the marine environment and related coastal

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<sup>1</sup> Decision 11/7 of 24 May 1983

ecosystems of the region. This objective includes the promotion of sustainable development and sound management of regional marine and coastal resources by:

- (a) establishing and enhancing consultations and technical co-operation among States of the region;
- (b) emphasising the economic and social importance of the resources of the marine and coastal environment; and
- (c) Establishing a regional co-operative network of activities concerning concrete subjects/projects of mutual interest for the whole region.

6. The general goals of the action plan are:

- (a) to promote policies and management practices for the protection and development of the marine and coastal environment on a national and regional level, including appropriate legislation at the national level;
- (b) to prevent deterioration of the region's marine and coastal environment originating from activities within and outside the States of the region;
- (c) to provide for protection and rational development of the marine and coastal resources of the region, which are a natural heritage with important economic and social values and potential, through the preservation of habitats, the protection of species and careful planning and management of human activities that affect them;
- (d) to strengthen and encourage, through increased regional collaboration, the activities of institutions within the region involved in the study of marine and coastal resources and ecosystems;
- (e) to improve training, technical assistance and exchange of scientific and statistical data at all levels and in all fields relating to the protection and development of the marine and coastal environment; and
- (f) to stimulate the growth of public awareness at all levels of society of the value, interest and vulnerability of the region's marine and coastal environment.

7. More specifically, the activities of the Action Plan should aim at;

- (a) Assessment and evaluation of the causes, magnitude and consequences of environmental problems, in particular the assessment of marine pollution from land and sea based sources, and the study of activities and social and economic factors that may influence or be influenced by environmental degradation;
- (b) Promotion of methods and practices for the management of social and economic development activities that safeguard environmental quality and utilise resources rationally on a sustainable basis;
- (c) Promotion of national legislation, if necessary, for the protection and development of the marine and coastal environment which will facilitate mutual collaboration and operational efficiency of the Action Plan, having due regard to the need for and suitability of such a framework;
- (d) Promotion of research and development and exchange and sharing of their findings among the member states; and
- (e) Strengthening of institutional machinery and adoption of financial arrangements required for the successful implementation of the Action Plan.

8. A general description of the main components of the Action Plan is given below. These components and related activities are not listed in order of priority. Priority activities that have been selected for the implementation by SACEP Member States are presented in Annexes to the Action Plan. They should be considered only as a general description of activities which will have to be refined and elaborated in more detail. All activities will be carried out in close co-operation and in consultation with the National Focal Points.



## **A. ENVIRONMENTAL ASSESSMENT**

9. To ensure the effectiveness of the Action Plan it is necessary to provide for continuous and systematic assessment of the main factors influencing the environmental quality of the region. This is particularly important as the present assessment of the environmental processes in the region is incomplete, and any sound action requires an understanding of the links between development and the environment. Among the tasks that should be carried out are:

9.1 Assessment of national and regional capabilities to investigate and manage environmental problems, including scientific and administrative institutions, manpower, research facilities and equipment together with identification of institutions with potential to serve as "regional activity centres" in particular disciplines, and as regional or subregional activity centres co-ordinating specific inter-state projects;

9.2 Strengthening of national capabilities in marine science and for monitoring and assessing the state of the marine and coastal environment and the condition of living and non living resources, including training of scientists and technicians from the region in methods and techniques related to the assessment and evaluation of marine pollution and participation of such scientists in intercalibration exercises;

9.3 Encouragement of collaboration among regional scientists and technicians and their institutions through the establishment of a co-ordinated regional marine pollution monitoring programme, based on intercomparable methods, for the study of the various processes occurring in the coastal areas and open ocean of the region and the assessment of the sources and levels of pollutants and their effects on marine life and human health;

9.4 Survey and assessment of present social and economic activities, including development projects, that may have an impact on the quality of the marine and coastal environment;

9.5 Compilation of an inventory of the sources and amount of pollutants reaching the coastal waters of the region from land-based and maritime sources including dumping of hazardous wastes;

9.6 Collection, analysis and dissemination of data on resource potential and resource utilisation in relation to competing demands for such resources;

9.7 Preparation of a comprehensive classification of coastal and marine habitats and mapping of critical habitats;

9.8 Establishment of national data bases on the status and trends in the quality of the marine and coastal environment, linked into regionally co-ordinated network, compatible with similar networks in adjacent regions; and

9.9 Monitoring of the effects of climate and sea level change on the marine and coastal environment.

## **B. ENVIRONMENTAL MANAGEMENT**

10. Sustainable, environmentally sound development depends upon the rational management of natural resources. Such management should take into account the goals of development as defined by national authorities, the assimilative capacity of the environment, and the economic feasibility of proposed policies. The following activities should serve to strengthen the ability of the Governments to adopt appropriate environmental management policies:

10.1 Strengthening of national and regional capabilities to prevent, control and combat marine pollution from land and sea based sources and co-operation in implementing and enforcing existing international agreements related thereto;

10.2 Strengthening of national & regional capabilities, co-operation and co-ordination in responding to marine pollution emergencies which pose a threat of pollution to the marine and coastal environment;

10.3 Strengthening of national and regional capabilities and co-operation for the management of coral reefs;

- 10.4 Promotion and harmonisation of national and regional strategies for preventing and mitigating the damages and adverse impacts caused by natural disasters;
- 10.5 Formulation of regionally and locally applicable guidelines and standards where ever appropriate, for the management and control of domestic, agricultural, industrial and other wastes, including the developing of principles governing treatment and disposal of such wastes;
- 10.6 Strengthening or expanding of the relevant on-going development activities that demonstrate sound environmental management practices;
- 10.7 Development and implementation of integrated coastal environmental management plans for specific coastal areas with a view to promoting environmentally sound utilisation of coastal resources and preventing environmental degradation;
- 10.8 Strengthening national capabilities for the environmental impact assessment of developmental projects and promoting the inclusion of environmental impact assessments and integrated development approaches in the planning stages of all major development activities;
- 10.9 Studies of the environmental, social and cultural effects of tourism, and elaboration of environmentally sound strategies for tourism development. Particular attention should be given to the health aspects of tourism developments in coastal areas;
- 10.10 Co-operation in devising where necessary, alternatives to present land-use practices, coral and sand mining procedures, waste disposal into coastal waters, other development activities including transportation and disposal of hazardous wastes which may lead to environmental degradation;
- 10.11 Formulation and harmonisation of policies on the management of natural habitats, wildlife and genetic resources;
- 10.12 Co-operation in the establishment and management of national protected coastal and marine habitats, in the establishment of a regional network of protected areas, in joint activities to protect coastal ecosystems and wildlife and in the training of technical and managerial personnel in the conservation of wildlife and habitats; and
- 10.13 Co-operation in conservation and protection of marine living resources from pollution and over-exploitation.

### **C. ENVIRONMENTAL LEGISLATION**

11. National legislation and regulations pertaining to the protection and management of the marine and coastal environment which are at various stage of development should be reviewed, and when necessary, expanded, updated or strengthened. It is necessary to ensure the effective enforcement of national legislation elated to marine and coastal resources.
12. National legislation and regulations for the protection and development of marine and coastal resources should be harmonised whenever international uniformity is required to meet the obligations of such legislation; e.g., legislation concerning the protection and management of migratory species of estuarine marine areas within the region.
13. An up-to-date compilation of national laws of the states of the region related to the protection of the marine and coastal environment should be maintained.
14. The ratification and implementation of existing international agreements concerning the prevention and control of marine pollution and the protection of marine resources should be encouraged.
15. Technical assistance and advice on the drafting of national legislation for the effective implementation of relevant international agreements should be provided upon request.



#### **D. INSTITUTIONAL AND FINANCIAL ARRANGEMENTS**

16. In carrying out the Action Plan, the national capabilities available in the region and the capabilities of regional and international organisations and co-ordinating bodies, as well as their existing programmes, should be used to the greatest possible extent.

17. The agreed programme should be executed primarily through existing national institutions and capabilities. Where necessary, they should be strengthened so that they may participate actively and effectively in the various projects. For some of the projects technical assistance and experts from outside the region may be requested whenever such assistance and experts are not available from within the region.

18. To ensure the harmonious and integrated evolution of each of the components of the Action Plan, SACEP is designated as the Secretariat of the action plan to assume responsibility for its technical and administrative co-ordination with the support and close co-operation of UNEP, especially during the initial phase of activities. In discharging its functions, SACEP should seek the co-operation and assistance of national, regional and international organisations and institutions; these bodies should also be invited to extend all possible support to SACEP.

19. The overall authority over the Action Plan should be vested in the governments of the region. Through periodic meetings of their representatives, the governments should review the progress in the implementation of the action plan and decide on the priorities for future activities, as well as on financial and institutional arrangements supporting these activities.

20. A National Focal Point should be designated by each Government to facilitate the work of, and communication with, the regional secretariat and to co-ordinate activities within the State concerned related to the Action Plan.

21. The activities agreed upon as part of the implementation of the Action Plan should be financed principally by contributions from Governments, international and regional organisations and competent non governmental organisations. Initially, support may be provided by the United Nations system on the assumption that this financial contribution will progressively decrease as the Governments themselves assume financial responsibility. Noting the need for additional financial resources to support the programme, the United Nations system is requested to assist the Secretariat and the Governments of the region to further develop the priority activities with a view to obtaining financial support from the Global Environment Facility (GEF) as well as other donors.

#### **E. SUPPORTING MEASURES**

22. The ultimate aim should be to make the proposed regional programme self-supporting, not only by developing institutional capabilities to perform the required tasks, but also by providing training, equipment and other forms of assistance from within the region.

23. As support for the activities of the regional co-operative programme:

23.1 Training programmes should be organised for personnel from the region. These programmes should be carried out through existing national, regional or international institutions ready to offer their facilities; and

23.2 Campaigns should be organised on a national and regional basis to create public awareness of national and regional issues relating to the Action Plan. Special efforts should be made to prepare materials which may be used to bring environmental concerns and activities of the regional co-operative programme to the attention of target populations.

24. Education in the principles of protection and development of marine and coastal resources should be provided as part of the ordinary educational curricula at primary, secondary and university levels, through training of special instructors or specialised training of educators, and through seminars and courses offered to the general public.

#### **ANNEX I: Integrated Coastal Zone Management**

## **Introduction**

1. The ESCAP/UNEP/SACEP Intergovernmental Meeting on Capacity Building in Coastal Environmental Management in the South Asian Seas Region, 17 - 19 May 1994, New Delhi, endorsed Integrated Coastal Zone Management (ICZM) as a priority element for environmentally sound and sustainable development of marine and coastal areas in the region (ENR/CBCEM/REP). This is in harmony with worldwide acknowledgement of the urgent need for Integrated Coastal Resources Management as expressed in Agenda 21, Chapter 17.

2. The region as a whole has important assets in terms of human and institutional capacity in relevant scientific, economic, social and technological fields and planning experiences. Therefore, specifically targeted regional co-operation activities could boost the exchange of experiences, information, data and expertise in relevant sectors; promote co-operative research programmes and technology transfer; and support the development of suitable planning guidelines, awareness-raising initiatives, scientific and technological means and capacity -building activities.

3. Activities should be carried out through the implementation of pilot projects in ICZM in each country of the region. Guidelines for the development of pilot project activities are presented in document ENR/CBCEM/2/REV.2 - Capacity-building requirements: Priority Projects and Strategy for their Implementation - of the ESCAP/UNEP/SACEP Intergovernmental Meeting on capacity Building in Coastal Environmental management in the South Asian Seas Region.

## **Activities**

4. The following activities have been selected for staged implementation by South Asian Member States:

(a) Preparation of Coastal Profiles, including:

- project scope, i.e. definitions, geographic boundary;
- identification of issues and priorities;
- preparation of development outlooks and strategies for their achievement, and analysis of the social and economic implications of the proposed strategies;
- identification of information gaps;
- proposal for the preparation of a comprehensive and integrated management plan;
- analysis of the legal and financial requirements posed by the ICZM Project Proposal; and
- proposal for the institutional arrangements needed to support the co-ordination and implementation of the pilot project.

(b) Analysis and Forecasting, including:

- surveys and research on selected issues within sectors of human and economic activities
- analysis of natural systems, and human and economic activities in the coastal area;
- assessment of exposure to risks, e.g. sea-level rise, natural hazards; and
- preparation of resource atlas.

The purpose of this phase is to provide an analytical basis for the establishment of precise goals and objectives, and definition of management strategies for sustainable development in the coastal area.

(c) Definition of Goals and Strategies, including:

- refinement and adoption of goals and objectives;
- preparation of strategies; and
- evaluation of and decision on the most suitable energy.

Decision-making bodies at the highest level must approve of the goals and strategies of environmentally sustainable development in the coastal area concerned.

(d) Integration of detailed Plans and Management Policies, including:



- establishment of procedures for the approval and periodic revision of the plan;
- identification of those authorities which will adopt the planning policies and introduce the planning controls into their operations;
- definition of expenditure priorities and the technical personnel required to implement the plan; and
- specify the instruments to be used in the plan implementation.

(e) Implementation of Plans

The plan implementation will be most efficient if implemented in well defined phases.

## ANNEX II

### Development and Implementation of National and Regional Oil and Chemical Spill Contingency Planning

#### Introduction

1. The ESCAP/UNEP/SACEP Intergovernmental Meeting on Capacity Building in Coastal Environmental Management in the South Asian Seas Region, 17 - 19 May 1994, New Delhi, endorsed the Development and Implementation of National and Regional Oil and Chemical Spill Contingency Planning as a priority element for environmentally sound and sustainable development of marine and coastal areas in the region (ENR/CBCEM/REP). This is in harmony with worldwide acknowledgement of the urgent need for Integrated Coastal Resources Management as expressed in Agenda 21, Chapter 17.

2. The risk associated with oil transportation along the routes of the region is high due to the intensity of oil tanker movements. Therefore, this component builds on earlier studies and regional initiatives in the field and aims at enhancing consultation and technical co-operation among the states of the region. The proposed strategy involves capacity building activities in marine environmental monitoring; marine pollution modelling and impact assessment; information storage and exchange; planning and operational capabilities required for marine pollution emergencies; and development of adequate policies and management practices and appropriate legislation in the field.

3. Activities should be carried out through the guidelines for the development of project activities that are presented in document ENR/CBCEM/2/REV.2 - Capacity-building requirements: Priority Projects and Strategy for their Implementation - of the ESCAP/UNEP/SACEP Intergovernmental Meeting on Capacity Building in Coastal Environmental Management in the South Asian Seas Region.

#### Activities

4. The following activities have been selected for the implementation by the South Asian Seas member States.

- (a) Updating the South Asian Marine Pollution Emergency Plan;
- (b) Assessment of infrastructure requirements for pollution emergencies and development of mechanisms for implementation of the Plan;
- (c) Assistance in developing National Marine Pollution Contingency Plans where they do not exist;
- (d) Preparation of national training and manpower development plans for marine environmental monitoring, response and combat including surveillance of oil spills and information collection and management;
- (e) Collection, storage and dissemination of data through RENRIC of SACEP;

- (f) Assistance in the development of national legislation where necessary; and
- (g) Preparation of technical guidelines and dissemination to member states.

### ANNEX III

#### Human Resources Development through Strengthening Regional Centres of Excellence

##### Introduction

1. The ESCAP/UNEP/SACEP Intergovernmental Meeting on Capacity Building in Coastal Environmental Management in the South Asian Seas region, 17 - 19 May 1994, New Delhi, endorsed Human Resources Development through Strengthening Regional Centres of Excellence as a priority element for environmentally sound and sustainable development of marine and coastal areas in the region (ENR/CBCEM/REP). This is in harmony with worldwide acknowledgement of the urgent need for marine environmental protection as expressed in Agenda 21, Chapter 17.
2. The region as a whole has important assets in terms of human and institutional capacity in relevant scientific, economic, social and technological fields and planning experiences. The centres of excellence should address the requirements of human resource development in a regional perspective, through training programmes targeted to personnel from the countries of the region, fellowship schemes for enhancing the inter regional sharing of expertise and experiences, and joint research programmes in relevant fields. The centres should serve the main purpose of strengthening the development of human resources within the region in close link with the activities identified in Annexes 1 and 2.
3. Activities should be carried out through the guidelines for the development of project activities that are presented in document ENR/CBCEM/2/REV.2 - Capacity-building requirements: Priority Projects and Strategy for their Implementation - of the ESCAP/UNEP/SACEP Intergovernmental Meeting on Capacity Building in Coastal Environmental Management in the South Asian Seas Region.

##### Activities

4. The following activities have been selected for the implementation by South Asian member States:
  - (a) Development of research programmes and projects and sharing of experience in the empowerment of local communities;
  - (b) Development of guidelines for multidisciplinary research in Integrated Coastal Zone Management (based on the implementation of the pilot projects) and for the replication of pilot experiences;
  - (c) Training of personnel involved in pilot projects on ICZM in all aspects of ICZM and for future ICZM projects and preparation of training manual; and
  - (d) Refinement and testing of methodologies and techniques for participatory research and for eliciting community participation that would facilitate plan implementation.

### ANNEX IV

#### Protection of the Marine Environment from Land-based Activities

##### Introduction

1. The United Nations Convention on the Law of the Sea 1982 came into force on November 16, 1994. Its universality has been assured by means of an implementing Agreement relating to Part XI of the Convention



which was opened for signature in July 1994. All the countries of the South Asian region are signatories to this umbrella Convention which regulates the activities of nations in the ocean sector both within and outside national jurisdiction. The Convention has specific provisions relating to the prevention, reduction and control of marine pollution from land-based activities.

2. The South Asian Seas region is characterized by the location of some of the largest population concentrations in the world. The cities and urban agglomerations situated on the coast are the single largest polluters of the marine environment. Untreated sewage and industrial effluent, solid waste and agricultural activities are identified as amongst the most significant causes of pollution of coastal waters. Other causes of degradation to coastal ecosystems include the mining of sand and coral, and exploitation of fishery stocks. Coral reefs and mangroves are identified as among the most important ecosystems that are threatened from land-based activities.

3. In this context, it should be noted that a Regional Programme of Action for the Protection of the Marine Environment of the South Asian Seas from Land-based Activities was prepared by SACEP for the Meeting of Government-designated Experts to Review and Revise a Global Programme of Action to Protect the Marine Environment from Land-based Activities, Reykjavik, 6-10 March 1995 (document UNEP(OCA)SAS WG3/9). This document will be reviewed and adopted at a later date.

#### Activities

4 The following activities have been selected for implementation by South Asian Seas member States:

- (a) Development of strategy, including refinement of the Programme of Action, for the protection of the Marine Environment of the South Asian Seas from Land-based Activities;
- (b) Development of a regional programme for monitoring of marine pollution in the coastal waters of the South Asian Seas and the regular exchange of relevant data and information;
- (c) Development of pilot activities in countries of the South Asian Seas to control the degradation of the marine coastal environment from land-based activities;
- (d) Training of personnel involved in these pilot projects to control the degradation of the marine and coastal environment from land-based activities, including preparation of a training manual;
- (e) Development of a regional programme to identify the special problems of the largest coastal cities, each having a population of more than 10 million by the year 2000, and of the island States in the areas of:
  - (i) disposal of domestic effluents; and
  - (ii) collection and disposal of solid wastes;

### **INSTITUTIONAL AND FINANCIAL ARRANGEMENTS FOR THE IMPLEMENTATION OF THE ACTION PLAN**

1. The efficient implementation of the Action Plan will be mutually dependent upon action at the national, sub-regional and regional levels. It is therefore, important to identify the lines of authority and communication for both policy and technical working levels and to develop appropriate institutional capabilities and co-operative mechanisms for each. This will contribute to strengthening of the Regional Seas Programme as requested in Agenda 21.

#### **OVERALL AUTHORITY AND POLICY GUIDANCE**

2. The regular periodic meeting of the Governments (Intergovernmental Meetings) will be the sole authority in determining the content, review, progress and approval of the workplan of the regional programme. The purview of the Intergovernmental Meeting will also include the financial implications of the regional programme.

#### **TERMS OF REFERENCE FOR INTERGOVERNMENTAL MEETINGS**

3. The meetings of Governments of Bangladesh, India, Maldives, Pakistan and Sri Lanka shall normally be held every two years, or as the need arises.
4. The chairmanship of the meeting shall be given to each Member State, in turn, in alphabetical order. The chairmanship shall be for a period of two calendar years.
5. It shall be the function of the meetings of the Governments to keep under review the implementation and execution of the Action Plan and should make policy decisions concerning all substantive and financial matters and, in particular, should:
  - (i) review the progress achieved in implementing the programmes since the previous meeting;
  - (ii) careful evaluation of the results achieved;
  - (iii) adopt a workplan for the implementation of the programme in the subsequent two year period;
  - (iv) provide the policy guidance for the procedures to be followed in the implementation of the programme;
  - (v) approve the budgetary resources required to support the workplan and their allocation for a two year period; and
  - (vi) agree upon the means for financing activities of the programme, including firm pledges for contributions to be made by Governments.
6. The Rules of Procedure of SACEP Governing Council will be applied mutatis mutandis, for the conduct of the Meetings.
7. Intergovernmental meetings of participating States will be held normally at Ministerial Level.
8. The South Asia Co-operative Environment Programme, which is the Secretariat for the Action Plan, shall make all arrangements for the conducting of all the meetings at a suitable venue as decided by the meeting of Governments. The Director SACEP would act as the Secretary to the Meeting.
9. A Consultative Committee comprising of the diplomatic representatives of the Member States of the South Asian Seas in Sri Lanka would meet quarterly at the SACEP Secretariat. The Director SACEP would act as the Secretary to the Committee.
10. The functions of the Consultative Committee would be mainly:
  - (i) to deliberate on the activities which require immediate action; and
  - (ii) to review the progress achieved in implementing the Action Plan.

**NATIONAL FOCAL POINTS**

11. The active participation and co-operation of the South Asian Sea States in the programme are basic prerequisites for its success. In order to achieve efficient and well co-ordinated co-operation at both the national and regional levels, a National Focal Point should be established (or an existing structure should be designated) at a high level in each of the participating Governments to harmonise, on the National level, all matters concerning the regional programme.
12. The role of the National Focal Point should be:
  - (i) to act as the only official channel of communication with the Member States;
  - (ii) to co-ordinate, as appropriate, the participation of national institutions and agencies through National Project Co-ordinators in the agreed programme; and



(iii) to consult with all relevant organisations concerned in their respective Governments on the activities and progress achieved in implementing the Action Plan.

### **NATIONAL PROJECT CO-ORDINATORS**

13. The activities identified under the action plan will be implemented by and large on project basis. In order to achieve successful implementation of the projects identified under the action plan through the Government Departments, National and other institutions, National Project Co-ordinators for each project will have to be established by the National Focal Points.

14. The role of National Project Co-ordinators should be:

(i) to co-ordinate, as appropriate the participation of Government Departments, National and other institutions and agencies in the formulation and implementation of the projects identified; and

(ii) to periodically inform the National Focal Point and SACEP about the progress made under the projects identified.

### **NATIONAL INSTITUTIONS**

15. National institutions to be selected and designated by the National Focal Points (such as Research Centres, Laboratories, Government Institutions and Agencies, Universities) should provide the institutional basis for carrying out the technical work of the programmes's activities. They should be the principal executing or implementing agencies of the project activities and will be under the overall control of National Project Co-ordinators identified by the National Focal Points. The involvement of Non-Government Organisations in the implementation of the Action Plan should be encouraged.

16. In order to allow for complete and effective participation in agreed activities, technical and managerial assistance (such as equipment and training) should be provided through the Action Plan to strengthen, when necessary, the capabilities of national institutions participating in the programme.

### **NATIONAL CO-ORDINATION COMMITTEE**

17. Experience has shown that a higher degree of efficiency and mobilisation of National Institutions can be achieved by the establishment, in each of the participating States, of a National Committee for the regional programme composed of representatives of the most important National Institutions (Ministries, Government Institutions and Agencies, Universities, other Research Centres, etc). Such a committee, to be set up by each country, can play a crucial role in mobilising support within each State, for the activities of the regional programme. In proposing the establishment of such a committee, it is clear that it is left to the discretion of each government to review its national administrative structure and to decide whether such a committee could usefully serve to promote and strengthen its national participation in the regional programme.

### **NETWORKING**

18. A networking system will be established among SACEP, National Focal Points and National Project Co-ordinators. Under the network, SACEP will play the key role of co-ordination in carrying out various activities and projects identified under the Action Plan. The interaction of SACEP will always be with the National Focal Points and the National Project Co-ordinators in carrying out its tasks. Regional institutions participating on a voluntary basis can have interaction both with SACEP as well as with the National Project Co-ordinators.

### **SECRETARIAT**

19. The foregoing established the need for a Secretariat, which will be responsible for the overall co-ordination and continuous monitoring of the implementation of the Action Plan.

20. Taking into consideration the fact that UNEP's contacts with the Governments concerned during the preparatory stages leading to the adoption of the Action Plan showed a strong support for designating the South Asia Co-operative Environment Programme (SACEP) as responsible for the Secretariat functions of the regional programme. The Second Meeting of National Focal Points on the Development of an Action Plan for the Protection and Management of the South Asian Seas Region held on 7 - 11 December 1987, recommended that the South Asia Co-operative Environment Programme (SACEP) should be considered as the Secretariat of the Action Plan once it is adopted.

21. It is recommended that the Secretariat be strengthened, but be kept to a minimal size in order to ensure that the maximum amount of available funds may be used to achieve the programme goals, set forth in the Action Plan.

### **TERMS OF REFERENCE FOR THE SECRETARIAT**

22. The Secretariat would be responsible for the overall technical management and co-ordination of the activities carried out under the regional programme, including the administration and management of the programme, its project activities and budget as adopted or modified by the Intergovernmental Meeting and Management of the finances of the South Asian Seas Programme.

23. The general functions of the Secretariat shall be to:

- (i) formulate project documents for specific activities agreed upon as part of the regional programme and locate and mobilise funds for the projects from donors;
- (ii) negotiate and co-ordinate the execution of regional projects through the network of National Focal Points and National Project Co-ordinators as well as international, regional and sub-regional organisations;
- (iii) collect, collate and analyse results obtained through project activities and disseminate relevant and related information as appropriate;
- (iv) organise Expert, Focal Point and Intergovernmental Meetings to be held in connection with the regional programme, including preparation of reports and other documents for the meetings; and
- (v) keep the National Focal Points and the Consultative Committee regularly informed of the progress achieved in carrying out the work programme, the results achieved and problems encountered; and
- (vi) manage the financial resources available for the implementation of the Action Plan; and
- (vii) seek and encourage the involvement of United Nations Organisations, multi-lateral and bilateral donors, and Non-Government Organisations in the implementation of the Programme of Action.

24. The Secretariat will not be expected to conduct field research and execute projects, since such research and project execution will have to be undertaken primarily by the National Institutions, if necessary, with the co-operation and assistance of international and regional organisations. The Secretariat would serve as a co-ordinating centre providing information, identifying experts and institutions to aid participating States in solving specific environmental problems, facilitating information exchange and co-operation among these experts and institutions and promoting project activities identified by the Governments.

### **PERSONNEL/STAFF**



25. The composition and expertise of the staff of the Secretariat will depend upon the activities and the magnitude of the programme adopted by the Governments. It is proposed as a long term objective that the Secretariat for the regional programme should be adequately strengthened.

26. For tasks that require specific expertise, the Secretariat will be assisted by consultants recruited from the region as far as possible.

#### **COST OF THE SECRETARIAT**

27. The costs of the operation of the Secretariat are related to the co-ordination of the activities agreed within the framework of the adopted programme and includes the servicing the meetings, core staff and the administrative costs. The estimated annual cost for the core staff of the Secretariat of the South Asian Seas Regional Programme is given in Appendix I.

#### **SOUTH ASIAN SEAS ACTION PLAN TRUST FUND**

28. The Second Meeting of the National Focal Points on the Development of an Action Plan for the Protection and Management of the South Asian Seas Region held on 7 - 11 December 1987, recommended that a Fund supporting the Action plan should be established and SACEP should be entrusted with its management. The fund is to receive:

- (i) annual contributions from the Member States to meet the cost of institutional arrangements.
- (ii) contributions from the Member States as well as from the UN, including catalytic funding from the UNEP Regional Seas programme and other organisations, agencies etc., to meet the cost of implementation of projects identified under the action plan; and
- (iii) contributions from any other source agreed to by the Member States.

#### **FINANCIAL MANAGEMENT**

29. The management of funds contributed by the Members States to meet the institutional costs of the Secretariat will be entrusted to SACEP. With reference to funds required to implement the projects identified under the action plan, the financial contribution by the member states will always be on a project basis. The countries involved in the project would contribute on a mutually agreed basis.

Financial contributions in support of implementation of the Action Plan may also come from, for example, United Nations Organisations, Global Environment Facility (GEF), the Asian Development Bank (ADB), States supporting the regional programme but not participating in it, regional and international organisations which are not part of the United Nations System etc. Funds may also come from any other source agreed to by the Member States. Contribution to the Action Plan activities and projects may be both on a cash or in kind (Staff time, experts, training facilities, ship time, services etc) basis.

#### **SCALE OF CONTRIBUTION TO INSTITUTIONAL ARRANGEMENTS OF THE SECRETARIAT**

30. The Third Meeting of National Focal Points on the Development of an Action Plan for the Protection and Management of the South Asian Seas Region, held on 23 - 25 November 1994, considered many possible ways to determine the level of contributions for the institutional arrangements and recommended the South Asian Association for Regional Co-operation (SAARC) Scale of Contribution to meet the institutional arrangements as follows:

*All participating States shall on an annual basis, contribute to the South Asian Seas Trust Fund according to the same ratios in the SAARC Scale of Assessment agreed upon by SAARC Member States, where the maximum contribution from a Member State is 35% whilst the minimum contribution to be 5%.*

#### SAARC SCALE OF ASSESSMENT

CONTRIBUTOR	A	B
BANGLADESH	11.35	14.50
INDIA	32.10	35.00
MALDIVES	5.00	6.50
PAKISTAN	23.85	29.50
SRI LANKA	11.35	14.50
TOTAL	83.65	100.00

**COLUMN A:**Percentage contribution to the SAARC Secretariat

**COLUMN B:**Contribution to the proposed South Asian Seas Fund based on A with a maximum contribution being 35% and minimum being 5%.



**APPENDIX 1: ESTIMATED COST FOR THE SECRETARIAT OF SAS REGIONAL PROGRAMME**

(Expressed in US \$)

	<b>COST ITEM</b>	<b>FIRST YEAR</b>	<b>SECOND YEAR</b>
1.	<b><u>PERSONNEL</u></b>		
	<b>International</b>		
	Programme Officer(s)	40,000	
	<b>Local</b>		
	1 Secretary	2,500	
2.	<b><u>OFFICE INFRASTRUCTURE</u></b>		
	Furniture	1,500	
3.	<b>RENTAL AND MAINTENANCE</b>	5,000	
4.	<b>ADMINISTRATION COSTS</b>	5,000	
5.	<b>MEETING &amp; INTERNATIONAL TRAVEL</b>	10,000	
6.	<b>DOCUMENTS</b>	2,500	
7.	<b>CONTINGENCIES</b>	5,000	
	<b>TOTAL</b>	<b>71,500</b>	
	<b>RECURRENT</b>	<b>70,000</b>	<b>76,000</b>
	<b>CAPITAL</b>	<b>1,500</b>	

## **RESOLUTION 1**

### **IMPLEMENTATION OF THE SOUTH ASIAN SEAS ACTION PLAN**

#### The Meeting of Plenipotentiaries

Noting that the overall authority for the Action Plan is vested in the Governments of the region and having adopted, on 24 March 1995, the Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region,

1. Decides that, for the period 1995-1996, program activities should be undertaken in the following areas, subject to the availability of resources:
  - Annex 1 - Integrated Coastal Zone Management;
  - Annex 2 - Development and implementation of National and Regional Oil and Chemical Spill Contingency Planning;
  - Annex 3 - Human Resource Development through Strengthening Regional Centres of Excellence; and
  - Annex 4 - Protection of the Marine and Coastal Environment from Land Based Activities.
  
2. Invites the Director of the South Asia Co-operative Environment Programme (SACEP),
  - (a) To act as the Secretariat for the South Asian Seas Action Plan and to enhance its capacities for this purpose.
  - (b) To prepare, with the support of the UNEP's Regional Seas Programme and in co-operation with the other competent international and regional organisations, including ADB, ESCAP, IOC of UNESCO, IMO, UNDP, and Governments of the region; detailed documents describing the operational details of projects to be developed on the basis of priorities identified in 1. above.
  - (c) To convene, quarterly at the SACEP Secretariat, meetings of the Consultative Committee to review the progress achieved in implementing the Action Plan and to deliberate on activities which require immediate attention. The Consultative Committee will also advise on financial implications of project implementation and if necessary advise the secretariat on their revision.
  - (d) To co-ordinate the implementation of the projects agreed at the Meeting of Plenipotentiaries, subject to the availability of funds.



## RESOLUTION 2

### INSTITUTIONAL ARRANGEMENTS FOR THE IMPLEMENTATION OF THE SOUTH ASIAN SEAS ACTION PLAN

#### The Meeting of Plenipotentiaries

Having adopted the Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region

Noting the willingness of SACEP to accept the designation as the organisation responsible for the secretariat functions of the South Asian Seas Action Plan (SASAP),

1. Calls upon the Director of SACEP, in consultation with the Governments of the South Asian Seas region, with the support of UNEP and in close co-operation with the relevant United Nations bodies and intergovernmental and non-governmental organisations, to make such arrangements as required to achieve the objectives of the SASAP,
2. Also call upon the Director of SACEP, to convene every two years an intergovernmental meeting of the states of the South Asian Seas region in order to keep under review the implementation and execution of the Action Plan and make policy decisions concerning all substantive and financial matters relating to the SASAP. Specifically, the intergovernmental meetings should:
  - (a) review the progress achieved in implementing the programmes since the previous meeting;
  - (b) carefully evaluate the results achieved;
  - (c) adopt a workplan for the implementation of the programme in the subsequent two year period;
  - (d) provide the policy guidance for the procedures to be followed in the implementation of the programme;
  - (e) approve the budgetary resources required to support the workplan and their allocation for a two year period; and
  - (f) agree on the means of financing activities of the programme, including firm pledges for contributions to be made by Governments.
3. Requests the Director of SACEP to convene in 1997 an Intergovernmental Meeting in order to review the progress achieved in the implementation of the Action Plan and to further consider the institutional and financial arrangements.
4. Also requests the Director of SACEP to convene, quarterly at the SACEP Secretariat, a meeting of the Consultative Committee to provide the secretariat with policy guidance on the implementation of the decisions taken at the Meeting of Plenipotentiaries and subsequent Intergovernmental Meetings.

## RESOLUTION 3

## FINANCIAL ARRANGEMENTS FOR THE IMPLEMENTATION OF THE SOUTH ASIAN SEAS ACTION PLAN

The Meeting of Plenipotentiaries

Having adopted the Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region

Noting the willingness of SACEP to be entrusted with the management of the proposed South Asian Seas Action Plan (SASAP) Trust Fund,

Also noting the readiness of the States of the region to contribute to the costs for the implementation of the Action Plan through a SASAP Trust Fund,

1. Decides that the SASAP Trust Fund be financed, at least for the initial two year period, by annual contribution according to the ratios in the SAARC Scale of Assessment agreed upon by SAARC member States, where the maximum contribution from a member State is 35% whilst the minimum contribution is 5%. The actual contributions from the states are to be assessed as follows:

COUNTRY	%	1995 US \$	1996 US \$
Bangladesh	14.5	10,367.50	11,020.00
India	35.0	25,025.00	26,600.00
Maldives	6.5	4,647.50	4,940.00
Pakistan	29.5	21,092.50	22,420.00
Sri Lanka	14.5	10,367.50	11,020.00
<b>TOTAL</b>		<b>71,500.00</b>	<b>76,000.00</b>

2. Requests the Director of SACEP to assume responsibility for administering the SASAP Trust Fund.
3. Urges the States to pay their contributions in equal yearly installments, starting from April 1995.
4. Calls upon the Director of SACEP, with support from UNEP's Regional Seas Programme, UNDP, ESCAP, IMO, IOC of UNESCO, Asian Development Bank and other relevant organisations to search additional financial resources which may be available for the implementation of the SASAP, in particular to approach the Global Environment Facility on behalf of the participating States to seek funds for the implementation of the components of the South Asian Seas action Plan.
5. Undertakes to explore potential international sources of additional financial support for the implementation of the South Asian Seas Action Plan.



**Meeting of Plenipotentiaries on the Action Plan for  
the Protection and Management of the Marine and  
Coastal Environment of the South Asian Seas Region**

**New Delhi, 24 March 1995**

**FINAL ACT**

1. The Meeting of Plenipotentiaries on the Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region was convened, at the request of the Governments of the region, by the Executive Director of the United Nations Environment Programme pursuant to decision 11/7 of the General Council, adopted 24 May 1983, which requested :...*the Executive Director to designate the South Asian Seas as a region to be included in the regional seas programme, in close co-operation with the South Asia Co-operative Environment Programme and the Governments of the Region, and to assist in the formulation of a plan of action for the environmental protection of the South Asian Seas.*”
2. The Meeting was held in New Delhi at the invitation of the Government of India on 24 March 1995.
3. The States invited to participate at the Meeting of Plenipotentiaries were the: People’s Republic of Bangladesh, Republic of India, Republic of Maldives, Islamic Republic of Pakistan and Democratic Socialist Republic of Sri Lanka.
4. All of the afore mentioned states accepted the invitation and participated in the Meeting.
5. Representatives of the following Intergovernmental organisations also attended the Meeting: Economic and Social Commission for Asia and the Pacific (ESCAP); International Maritime Organisation (IMO); Intergovernmental Oceanographic Commission (IOC) of UNESCO; South Asia Co-operative Environment Programme (SACEP); and United Nations Environment Programme (UNEP).
6. The Meeting was inaugurated on behalf of the Government of India by Hon. Mr. Pranab Mukherjee, Minister for External Affairs. The meeting was opened, on behalf of the Executive Director of the United Nations Environment Programme, by Mr. Peter Schroder, Director, Oceans and Coastal Areas Programme Activity Centre. An opening statement was also made by Mr. Eduardo Faleiro, Minister for Ocean Development, Government of India.
7. The Meeting elected Mr. Eduardo Faleiro (India) as President of the Meeting, Mr. M Abul Quasem (Bangladesh), Mr. Asif Shuja Khan (Pakistan) and Ms. S Athulathmudali (Sri Lanka) as Vice Presidents, and Mr. Hussain Shihab (Maldives) as Rapporteur.

8. The Meeting considered the Report of the Fourth Meeting of National Focal Points, presented as UNEP(OCA)SAS WG3/REP. This document contained the proposed final drafts of the Action Plan with Annexes, Institutional and Financial Arrangements, Resolutions and the Final Act to be adopted by the Meeting of Plenipotentiaries.
9. As a result of the deliberations at the Meeting, the Action Plan for the Protection and Management of the South Asian Seas Region, with Annexes, and the Institutional and Financial Arrangements for the Implementation of the Action Plan were adopted.
10. The Meeting considered and adopted the Resolutions, the texts of which are appended to this Final Act.

The Action Plan for the Protection and Management for the Marine and Coastal Environment of the South Asian Seas was signed by the representatives of People's Republic of Bangladesh; Republic of India; Republic of Maldives; Islamic Republic of Pakistan; and Democratic Socialist Republic of Sri Lanka.

In witness whereof the representatives have signed this Final Act.

Done at New Delhi, this 24th day of March, 1995, in a single original copy, to be deposited in the archive of Department of Ocean Development, Government of India, New Delhi.

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People's Republic of Bangladesh

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Republic of India

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Republic of Maldives

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Islamic Republic of Pakistan

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Democratic Socialist Republic of Sri Lanka



# THE LANGKAWI DECLARATION ON ENVIRONMENT

Adopted at Langkawi, Malaysia, 21 October 1989

## PREAMBLE

We, the Heads of Government of the Commonwealth, representing a quarter of the world's population and a broad cross-section of global interests, are deeply concerned at the serious deterioration in the environment and the threat this poses to the well-being of present and future generations. Any delay in taking action to halt this progressive deterioration will result in permanent and irreversible damage.

2. The current threat to the environment, which is a common concern of all mankind, stems essentially from past neglect in managing the natural environment and resources. The environment has been degraded by decades of industrial and other forms of pollution, including unsafe disposal of toxic wastes, the burning of fossil fuels, nuclear testing and non-sustainable practices in agriculture, fishery and forestry.

3. The main environmental problems facing the world are the 'greenhouse effect' (which may lead to severe climatic changes that could induce floods, droughts and rising sea levels), the depletion of the ozone layer, acid rain, marine pollution, land degradation and the extinction of numerous animal and plant species. Some developing countries also face distinct environmental problems arising from poverty and population pressure. In addition, some islands and low-lying areas of other countries, are threatened by the prospect of rising sea level.

4. Many environmental problems transcend national boundaries and interests, necessitating a co-ordinated global effort. This is particularly true in areas outside national jurisdiction, and where there is transboundary pollution on land and in the oceans, atmosphere and outer space.

5. The need to protect the environment should be viewed in a balanced perspective and due emphasis be accorded to promoting economic growth and sustainable development, including eradication of poverty, meeting basic needs, and enhancing the quality of life. The responsibility for ensuring a better environment should be equitably shared and the ability of developing countries to respond be taken into account.

6. To achieve sustainable development, economic growth is a compelling necessity. Sustainable development implies the incorporation of environmental concerns into economic planning and policies. Environmental concerns should not be used to introduce a new form of conditionality in aid and development financing, nor as a pretext for creating unjustified barriers to trade.

7. The success of global and national environmental programmes requires mutually reinforcing strategies and the participation and commitment of all levels of society government, individuals and organizations, industry and the scientific Community.

8. Recognizing that our shared environment binds all countries to a common future, we the Heads of Government of the Commonwealth, resolved to act collectively and individually, commit ourselves to the following programme of action:

- Advance policies and programmes which help achieve sustainable development, including the development of new and better techniques in integrating the environmental dimension in economic decision-making;
- Strengthen and support the development of international funding mechanisms and appropriate decision-making procedures to respond to environmental protection needs which will include assisting developing countries to obtain access to and transfer of needed environmental technologies and which should take account of proposals for an international environment fund/Planet Protection Fund.
- Support the work of the UNEP/WMO Intergovernmental Panel on Climate Change (IPCC);

- Call for the early conclusion of an international convention to protect and conserve the global climate and' in this context, applaud the efforts of member governments to advance the negotiation of a framework convention under UN auspices;
- Support the findings and recommendations of the Commonwealth Expert Group's Report on Climate Change as a basis for achievable action to develop strategies for adapting to climate change and for reducing greenhouse gas emissions, as well as making an important contribution to the work of the INCH;
- Support measures to improve energy conservation and energy efficiency:
- Promote the reduction and eventual phase-out of substances depleting the ozone layer;
- Promote afforestation and agricultural practices in developed and developing countries to arrest the increase in atmospheric carbon dioxide and halt the deterioration of land and water resources;
- Strengthen efforts by developing countries in sustainable forest management and their manufacture and export of higher value-added forest products and, in this regard, support the activities of the International Tropical Timber Organization and the Food and Agriculture Organization's Tropical Forestry Action Plan, as well as take note of the recommendations of the 13th Commonwealth Forestry Conference; .
- Support activities related to the conservation of biological diversity and genetic resources, including the conservation of significant areas of virgin forest and other protected natural habitats:
- Support low-lying and island countries in their efforts to protect themselves and their vulnerable natural marine ecosystems from the effects of sea level rise;
- Discourage and restrict non-sustainable fishing practices and seek to ban tangle net and pelagic drift net fishing;
- Support efforts to prevent marine pollution including curbing ocean dumping of toxic wastes;
- Strengthen international action to ensure the safe management and disposal of hazardous wastes and to reduce transboundary movements, particularly to prevent dumping in developing countries;
- Participate in relevant international agreements relating to the environment and promote new and innovative instruments which will attract widespread support for protecting the global environment: and
- Strengthen national, regional and international institutions responsible for environmental protection as well as the promotion of active programmes on environmental education to heighten public awareness and support.

9. We, the Heads of Government of the Commonwealth, resolve to take immediate and positive actions on the basis of the above programme. In this regard, we pledge our full support for the convening of the 1992 UN Conference on Environment and Development.

10. We call on the international community to join us in the endeavour.

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## VIENNA CONVENTION ON THE LAW OF TREATIES

Signed at Vienna 23 May 1969

ENTRY INTO FORCE: 27 January 1980

### PREAMBLE

The States Parties to the present Convention,

*Considering* the fundamental role of treaties in the history of international relations,

*Recognizing* the ever-increasing importance of treaties as a source of international law and as a means of developing peaceful co-operation among nations, whatever their constitutional and social systems,

*Noting* that the principles of free consent and of good faith and the pacta sunt servanda rule are universally recognized,

*Affirming* that disputes concerning treaties, like other international disputes, should be settled by peaceful means and in conformity with the principles of justice and international law,

*Recalling* the determination of the peoples of the United Nations to establish conditions under which justice and respect for the obligations arising from treaties can be maintained,

*Having in mind* the principles of international law embodied in the Charter of the United Nations, such as the principles of the equal rights and self-determination of peoples, of the sovereign equality and independence of all States, of non-interference in the domestic affairs of States, of the prohibition of the threat or use of force and of universal respect for, and observance of, human rights and fundamental freedoms for all,

*Believing* that the codification and progressive development of the law of treaties achieved in the present Convention will promote the purposes of the United Nations set forth in the Charter, namely, the maintenance of international peace and security, the development of friendly relations and the achievement of co-operation among nations,

*Affirming* that the rules of customary international law will continue to govern questions not regulated by the provisions of the present Convention,

Have agreed as follows:

### PART I: INTRODUCTION

#### Article 1 SCOPE OF THE PRESENT CONVENTION

The present Convention applies to treaties between States.

#### Article 2 USE OF TERMS

1. For the purposes of the present Convention:

- (a) 'treaty' means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation;
- (b) 'ratification', 'acceptance', 'approval' and 'accession' mean in each case the international act so named whereby a State establishes on the international plane its consent to be bound by a treaty;

- c) 'full powers' means a document emanating from the competent authority of a State designating a person or persons to represent the State for negotiating, adopting or authenticating the text of a treaty, for expressing the consent of the State to be bound by a treaty, or for accomplishing any other act with respect to a treaty;
- (d) 'reservation' means a unilateral statement, however phrased or named, made by a State, when signing, ratifying, accepting, approving or acceding to a treaty, whereby it purports to exclude or to modify the legal effect of certain provisions of the treaty in their application to that State;
- (e) 'negotiating State' means a State which took part in the drawing up and adoption of the text of the treaty;
- (f) 'contracting State' means a State which has consented to be bound by the treaty, whether or not the treaty has entered into force;
- (g) 'party' means a State which has consented to be bound by the treaty and for which the treaty is in force;
- (h) 'third State' means a State not a party to the treaty;
- (i) 'international organization' means an intergovernmental organization.

2. The provisions of paragraph 1 regarding the use of terms in the present Convention are without prejudice to the use of those terms or to the meanings which may be given to them in the internal law of any State.

*Article 3* INTERNATIONAL AGREEMENTS NOT WITHIN THE SCOPE OF THE PRESENT CONVENTION

The fact that the present Convention does not apply to international agreements concluded between States and other subjects of international law or between such other subjects of international law, or to international agreements not in written form, shall not affect:

- (a) the legal force of such agreements;
- (b) the application to them of any of the rules set forth in the present Convention to which they would be subject under international law independently of the Convention;
- (c) the application of the Convention to the relations of States as between themselves under international agreements to which other subjects of international law are also parties.

*Article 4* NON-RETROACTIVITY OF THE PRESENT CONVENTION

Without prejudice to the application of any rules set forth in the present Convention to which treaties would be subject under international law independently of the Convention, the Convention applies only to treaties which are concluded by States after the entry into force of the present Convention with regard to such States.

*Article 5* TREATIES CONSTITUTING INTERNATIONAL ORGANIZATIONS AND TREATIES ADOPTED WITHIN AN INTERNATIONAL ORGANIZATION

The present Convention applies to any treaty which is the constituent instrument of an international organization and to any treaty adopted within an international organization without prejudice to any relevant rules of the organization.



## PART II: CONCLUSION AND ENTRY INTO FORCE OF TREATIES

### Section 1. Conclusion of Treaties

#### Article 6 CAPACITY OF STATES TO CONCLUDE TREATIES

Every State possesses capacity to conclude treaties.

#### Article 7 FULL POWERS

1. A person is considered as representing a State for the purpose of adopting or authenticating the text of a treaty or for the purpose of expressing the consent of the State to be bound by a treaty if:

- (a) he produces appropriate full powers; or
- (b) it appears from the practice of the States concerned or from other circumstances that their intention was to consider that person as representing the State for such purposes and to dispense with full powers.

2. In virtue of their functions and without having to produce full powers, the following are considered as representing their State:

- (a) Heads of State, Heads of Government and Ministers for Foreign Affairs, for the purpose of performing all acts relating to the conclusion of a treaty;
- (b) heads of diplomatic missions, for the purpose of adopting the text of a treaty between the accrediting State and the State to which they are accredited;
- (c) representatives accredited by States to an international conference or to an international organization or one of its organs, for the purpose of adopting the text of a treaty in that conference, organization or organ.

#### Article 8 SUBSEQUENT CONFIRMATION OF AN ACT PERFORMED WITHOUT AUTHORIZATION

An act relating to the conclusion of a treaty performed by a person who cannot be considered under article VII as authorized to represent a State for that purpose is without legal effect unless afterwards confirmed by that State.

#### Article 9 ADOPTION OF THE TEXT

1. The adoption of the text of a treaty takes place by the consent of all the States participating in its drawing up except as provided in paragraph 2.

2. The adoption of the text of a treaty at an international conference takes place by the vote of two-thirds of the States present and voting, unless by the same majority they shall decide to apply a different rule.

#### Article 10 AUTHENTICATION OF THE TEXT

The text of a treaty is established as authentic and definitive:

- (a) by such procedure as may be provided for in the text or agreed upon by the States participating in its drawing up; or
- (b) failing such procedure, by the signature, signature ad referendum or initialling by the representatives of those States of the text of the treaty or of the Final Act of a conference incorporating the text.

*Article 11* MEANS OF EXPRESSING CONSENT TO BE BOUND BY A TREATY

The consent of a State to be bound by a treaty may be expressed by signature, exchange of instruments constituting a treaty, ratification, acceptance, approval or accession, or by any other means if so agreed.

*Article 12* CONSENT TO BE BOUND BY A TREATY EXPRESSED BY SIGNATURE

1. The consent of a State to be bound by a treaty is expressed by the signature of its representative when:
  - (a) the treaty provides that signature shall have that effect;
  - (b) it is otherwise established that the negotiating States were agreed that signature should have that effect; or
  - (c) the intention of the State to give that effect to the signature appears from the full powers of its representative or was expressed during the negotiation.
2. For the purposes of paragraph 1:
  - (a) the initialling of a text constitutes a signature of the treaty when it is established that the negotiating States so agreed;
  - (b) the signature ad referendum of a treaty by a representative, if confirmed by his State, constitutes a full signature of the treaty.

*Article 13* CONSENT TO BE BOUND BY A TREATY EXPRESSED BY AN EXCHANGE OF INSTRUMENTS CONSTITUTING A TREATY

The consent of States to be bound by a treaty constituted by instruments exchanged between them is expressed by that exchange when:

- (a) the instruments provide that their exchange shall have that effect; or
- (b) it is otherwise established that those States were agreed that the exchange of instruments should have that effect

*Article 14* CONSENT TO BE BOUND BY A TREATY EXPRESSED BY RATIFICATION, ACCEPTANCE OR APPROVAL

1. The consent of a State to be bound by a treaty is expressed by ratification when:
  - (a) the treaty provides for such consent to be expressed by means of ratification;
  - (b) it is otherwise established that the negotiating States were agreed that ratification should be required;
  - (c) the representative of the State has signed the treaty subject to ratification; or
  - (d) the intention of the State to sign the treaty subject to ratification appears from the full powers of its representative or was expressed during the negotiation.
2. The consent of a State to be bound by a treaty is expressed by acceptance or approval under conditions similar to those which apply to ratification.



*Article 15* CONSENT TO BE BOUND BY A TREATY EXPRESSED BY ACCESSION

The consent of a State to be bound by a treaty is expressed by accession when:

- (a) the treaty provides that such consent may be expressed by that State by means of accession;
- (b) it is otherwise established that the negotiating States were agreed that such consent may be expressed by that State by means of accession; or
- (c) all the parties have subsequently agreed that such consent may be expressed by that State by means of accession.

*Article 16* EXCHANGE OR DEPOSIT OF INSTRUMENTS OF RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

Unless the treaty otherwise provides, instruments of ratification, acceptance, approval or accession establish the consent of a State to be bound by a treaty upon:

- (a) their exchange between the contracting States;
- (b) their deposit with the depositary; or
- (c) their notification to the contracting States or to the depositary, if so agreed.

*Article 17* CONSENT TO BE BOUND BY PART OF A TREATY AND CHOICE OF DIFFERING PROVISIONS

1. Without prejudice to articles 19 to 23, the consent of a State to be bound by part of a treaty is effective only if the treaty so permits or the other contracting States so agree.
2. The consent of a State to be bound by a treaty which permits a choice between differing provisions is effective only if it is made clear to which of the provisions the consent relates.

*Article 18* OBLIGATION NOT TO DEFEAT THE OBJECT AND PURPOSE OF A TREATY PRIOR TO ITS ENTRY INTO FORCE

A State is obliged to refrain from acts which would defeat the object and purpose of a treaty when:

- (a) it has signed the treaty or has exchanged instruments constituting the treaty subject to ratification, acceptance or approval, until it shall have made its intention clear not to become a party to the treaty; or
- (b) it has expressed its consent to be bound by the treaty, pending the entry into force of the treaty and provided that such entry into force is not unduly delayed.

**Section 2: Reservations**

*Article 19* FORMULATION OF RESERVATIONS

A State may, when signing, ratifying, accepting, approving or acceding to a treaty, formulate a reservation unless:

- (a) the reservation is prohibited by the treaty;
- (b) the treaty provides that only specified reservations, which do not include the reservation in question, may be made; or

- (c) in cases not falling under sub-paragraphs (a) and (b), the reservation is incompatible with the object and purpose of the treaty.

*Article 20* ACCEPTANCE OF AND OBJECTION TO RESERVATIONS

1. A reservation expressly authorized by a treaty does not require any subsequent acceptance by the other contracting States unless the treaty so provides.
2. When it appears from the limited number of the negotiating States and the object and purpose of a treaty that the application of the treaty in its entirety between all the parties is an essential condition of the consent of each one to be bound by the treaty, a reservation requires acceptance by all the parties.
3. When a treaty is a constituent instrument of an international organization and unless it otherwise provides, a reservation requires the acceptance of the competent organ of that organization.
4. In cases not falling under the preceding paragraphs and unless the treaty otherwise provides:
  - (a) acceptance by another contracting State of a reservation constitutes the reserving State a party to the treaty in relation to that other State if or when the treaty is in force for those States;
  - (b) an objection by another contracting State to a reservation does not preclude the entry into force of the treaty as between the objecting and reserving States unless a contrary intention is definitely expressed by the objecting State;
  - (c) an act expressing a State's consent to be bound by the treaty and containing a reservation is effective as soon as at least one other contracting State has accepted the reservation.
5. For the purposes of paragraphs 2 and 4 and unless the treaty otherwise provides, a reservation is considered to have been accepted by a State if it shall have raised no objection to the reservation by the end of a period of twelve months after it was notified of the reservation or by the date on which it expressed its consent to be bound by the treaty, whichever is later.

*Article 21* LEGAL EFFECTS OF RESERVATIONS AND OF OBJECTIONS TO RESERVATIONS

1. A reservation established with regard to another party in accordance with articles 19, 20 and 23:
  - (a) modifies for the reserving State in its relations with that other party the provisions of the treaty to which the reservation relates to the extent of the reservation; and
  - (b) modifies those provisions to the same extent for that other party in its relations with the reserving State.
2. The reservation does not modify the provisions of the treaty for the other parties to the treaty *inter se*.
3. When a State objecting to a reservation has not opposed the entry into force of the treaty between itself and the reserving State, the provisions to which the reservation relates do not apply as between the two States to the extent of the reservation.

*Article 22* WITHDRAWAL OF RESERVATIONS AND OF OBJECTIONS TO RESERVATIONS

1. Unless the treaty otherwise provides, a reservation may be withdrawn at any time and the consent of a State which has accepted the reservation is not required for its withdrawal.
2. Unless the treaty otherwise provides, an objection to a reservation may be withdrawn at any time.
3. Unless the treaty otherwise provides, or it is otherwise agreed:



- (a) the withdrawal of a reservation becomes operative in relation to another contracting State only when notice of it has been received by that State;
- (b) the withdrawal of an objection to a reservation becomes operative only when notice of it has been received by the State which formulated the reservation.

*Article 23*      **PROCEDURE REGARDING RESERVATIONS**

1. A reservation, an express acceptance of a reservation and an objection to a reservation must be formulated in writing and communicated to the contracting States and other States entitled to become parties to the treaty.
2. If formulated when signing the treaty subject to ratification, acceptance or approval, a reservation must be formally confirmed by the reserving State when expressing its consent to be bound by the treaty. In such a case the reservation shall be considered as having been made on the date of its confirmation.
3. An express acceptance of, or an objection to, a reservation made previously to confirmation of the reservation does not itself require confirmation.
4. The withdrawal of a reservation or of an objection to a reservation must be formulated in writing.

**Section 3: Entry Into Force And Provisional Application Of Treaties**

*Article 24*      **ENTRY INTO FORCE**

1. A treaty enters into force in such manner and upon such date as it may provide or as the negotiating States may agree.
2. Failing any such provision or agreement, a treaty enters into force as soon as consent to be bound by the treaty has been established for all the negotiating States.
3. When the consent of a State to be bound by a treaty is established on a date after the treaty has come into force, the treaty enters into force for that State on that date, unless the treaty otherwise provides.
4. The provisions of a treaty regulating the authentication of its text, the establishment of the consent of States to be bound by the treaty, the manner or date of its entry into force, reservations, the functions of the depositary and other matters arising necessarily before the entry into force of the treaty apply from the time of the adoption of its text.

*Article 25*      **PROVISIONAL APPLICATION**

1. A treaty or a part of a treaty is applied provisionally pending its entry into force if:
  - (a) the treaty itself so provides; or
  - (b) the negotiating States have in some other manner so agreed.
2. Unless the treaty otherwise provides or the negotiating States have otherwise agreed, the provisional application of a treaty or a part of a treaty with respect to a State shall be terminated if that State notifies the other States between which the treaty is being applied provisionally of its intention not to become a party to the treaty.

### **PART III: OBSERVANCE, APPLICATION AND INTERPRETATION OF TREATIES**

#### **Section 1. Observance Of Treaties**

*Article 26*      PACTA SUNT SERVANDA

Every treaty in force is binding upon the parties to it and must be performed by them in good faith.

*Article 27*      INTERNAL LAW AND OBSERVANCE OF TREATIES

A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty. This rule is without prejudice to article XLV.

#### **Section 2: Application Of Treaties**

*Article 28*      NON-RETROACTIVITY OF TREATIES

Unless a different intention appears from the treaty or is otherwise established, its provisions do not bind a party in relation to any act or fact which took place or any situation which ceased to exist before the date of the entry into force of the treaty with respect to that party.

*Article 29*      TERRITORIAL SCOPE OF TREATIES

Unless a different intention appears from the treaty or is otherwise established, a treaty is binding upon each party in respect of its entire territory.

*Article 30*      APPLICATION OF SUCCESSIVE TREATIES RELATING TO THE SAME SUBJECT-MATTER

1. Subject to Article 103 of the Charter of the United Nations, the rights and obligations of States parties to successive treaties relating to the same subject-matter shall be determined in accordance with the following paragraphs.
2. When a treaty specifies that it is subject to, or that it is not to be considered as incompatible with, an earlier or later treaty, the provisions of that other treaty prevail.
3. When all the parties to the earlier treaty are parties also to the later treaty but the earlier treaty is not terminated or suspended in operation under article 59, the earlier treaty applies only to the extent that its provisions are compatible with those of the latter treaty.
4. When the parties to the later treaty do not include all the parties to the earlier one:
  - (a) as between States parties to both treaties the same rule applies as in paragraph 3;
  - (b) as between a State party to both treaties and a State party to only one of the treaties, the treaty to which both States are parties governs their mutual rights and obligations.
5. Paragraph 4 is without prejudice to article 41, or to any question of the termination or suspension of the operation of a treaty under article 60 or to any question of responsibility which may arise for a State from the conclusion or application of a treaty, the provisions of which are incompatible with its obligations towards another State under another treaty.



### Section 3. Interpretation Of Treaties

#### Article 31 GENERAL RULE OF INTERPRETATION

1. A treaty shall be interpreted in good faith in accordance with the ordinary meaning to be given to the terms of the treaty in their context and in the light of its object and purpose.
2. The context for the purpose of the interpretation of a treaty shall comprise, in addition to the text, including its preamble and annexes:
  - (a) any agreement relating to the treaty which was made between all the parties in connexion with the conclusion of the treaty;
  - (b) any instrument which was made by one or more parties in connexion with the conclusion of the treaty and accepted by the other parties as an instrument related to the treaty.
3. There shall be taken into account, together with the context:
  - (a) any subsequent agreement between the parties regarding the interpretation of the treaty or the application of its provisions;
  - (b) any subsequent practice in the application of the treaty which establishes the agreement of the parties regarding its interpretation;
  - (c) any relevant rules of international law applicable in the relations between the parties.
4. A special meaning shall be given to a term if it is established that the parties so intended.

#### Article 32 SUPPLEMENTARY MEANS OF INTERPRETATION

Recourse may be had to supplementary means of interpretation, including the preparatory work of the treaty and the circumstances of its conclusion, in order to confirm the meaning resulting from the application of article 31, or to determine the meaning when the interpretation according to article 31:

- (a) leaves the meaning ambiguous or obscure; or
- (b) leads to a result which is manifestly absurd or unreasonable.

#### Article 33 INTERPRETATION OF TREATIES AUTHENTICATED IN TWO OR MORE LANGUAGES

1. When a treaty has been authenticated in two or more languages, the text is equally authoritative in each language, unless the treaty provides or the parties agree that, in case of divergence, a particular text shall prevail.
2. A version of the treaty in a language other than one of those in which the text was authenticated shall be considered an authentic text only if the treaty so provides or the parties so agree.
3. The terms of the treaty are presumed to have the same meaning in each authentic text.
4. Except where a particular text prevails in accordance with paragraph 1, when a comparison of the authentic texts discloses a difference of meaning which the application of articles 31 and 32 does not remove, the meaning which best reconciles the texts, having regard to the object and purpose of the treaty, shall be adopted.

**Section 4. Treaties And Third States**

*Article 34*      **GENERAL RULE REGARDING THIRD STATES**

A treaty does not create either obligations or rights for a third State without its consent.

*Article 35*      **TREATIES PROVIDING FOR OBLIGATIONS FOR THIRD STATES**

An obligation arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to be the means of establishing the obligation and the third State expressly accepts that obligation in writing.

*Article 36*      **TREATIES PROVIDING FOR RIGHTS FOR THIRD STATES**

1. A right arises for a third State from a provision of a treaty if the parties to the treaty intend the provision to accord that right either to the third State, or to a group of States to which it belongs, or to all States, and the third State assents thereto. Its assent shall be presumed so long as the contrary is not indicated, unless the treaty otherwise provides.

2. A State exercising a right in accordance with paragraph 1 shall comply with the conditions for its exercise provided for in the treaty or established in conformity with the treaty.

*Article 37*      **REVOCATION OR MODIFICATION OF OBLIGATIONS OR RIGHTS OF THIRD STATES**

1. When an obligation has arisen for a third State in conformity with article 35, the obligation may be revoked or modified only with the consent of the parties to the treaty and of the third State, unless it is established that they had otherwise agreed.

2. When a right has arisen for a third State in conformity with article 36, the right may not be revoked or modified by the parties if it is established that the right was intended not to be revocable or subject to modification without the consent of the third State.

*Article 38*      **RULES IN A TREATY BECOMING BINDING ON THIRD STATES THROUGH INTERNATIONAL CUSTOM**

Nothing in articles 34 to 37 precludes a rule set forth in a treaty from becoming binding upon a third State as a customary rule of international law, recognized as such.

**PART IV: AMENDMENT AND MODIFICATION OF TREATIES**

*Article 39*      **GENERAL RULE REGARDING THE AMENDMENT OF TREATIES**

A treaty may be amended by agreement between the parties. The rules laid down in Part II apply to such an agreement except in so far as the treaty may otherwise provide.

*Article 40*      **AMENDMENT OF MULTILATERAL TREATIES**

1. Unless the treaty otherwise provides, the amendment of multilateral treaties shall be governed by the following paragraphs.

2. Any proposal to amend a multilateral treaty as between all the parties must be notified to all the contracting States, each one of which shall have the right to take part in:



- (a) the decision as to the action to be taken in regard to such proposal;
  - (b) the negotiation and conclusion of any agreement for the amendment of the treaty.
3. Every State entitled to become a party to the treaty shall also be entitled to become a party to the treaty as amended.
4. The amending agreement does not bind any State already a party to the treaty which does not become a party to the amending agreement; article 30, paragraph 4(b), applies in relation to such State.
5. Any State which becomes a party to the treaty after the entry into force of the amending agreement shall, failing an expression of a different intention by that State:
- (a) be considered as a party to the treaty as amended; and
  - (b) be considered as a party to the unamended treaty in relation to any party to the treaty not bound by the amending agreement.

*Article 41*      **AGREEMENTS TO MODIFY MULTILATERAL TREATIES BETWEEN CERTAIN OF THE PARTIES ONLY**

1. Two or more of the parties to a multilateral treaty may conclude an agreement to modify the treaty as between themselves alone if:
- (a) the possibility of such a modification is provided for by the treaty; or
  - (b) the modification in question is not prohibited by the treaty and:
    - (i) does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations;
    - (ii) does not relate to a provision, derogation from which is incompatible with the effective execution of the object and purpose of the treaty as a whole.
2. Unless in a case falling under paragraph 1(a) the treaty otherwise provides, the parties in question shall notify the other parties of their intention to conclude the agreement and of the modification to the treaty for which it provides.

**PART V:      INVALIDITY, TERMINATION AND SUSPENSION  
                         OF THE OPERATION OF TREATIES**

**Section 1. General Provisions**

*Article 42*      **VALIDITY AND CONTINUANCE IN FORCE OF TREATIES**

1. The validity of a treaty or of the consent of a State to be bound by a treaty may be impeached only through the application of the present Convention.
2. The termination of a treaty, its denunciation or the withdrawal of a party, may take place only as a result of the application of the provisions of the treaty or of the present Convention. The same rule applies to suspension of the operation of a treaty.

**Article 43 OBLIGATIONS IMPOSED BY INTERNATIONAL LAW INDEPENDENTLY OF A TREATY**

The invalidity, termination or denunciation of a treaty, the withdrawal of a party from it, or the suspension of its operation, as a result of the application of the present Convention or of the provisions of the treaty, shall not in any way impair the duty of any State to fulfil any obligation embodied in the treaty to which it would be subject under international law independently of the treaty.

**Article 44 SEPARABILITY OF TREATY PROVISIONS**

1. A right of a party, provided for in a treaty or arising under article 56, to denounce, withdraw from or suspend the operation of the treaty may be exercised only with respect to the whole treaty unless the treaty otherwise provides or the parties otherwise agree.
2. A ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty recognized in the present Convention may be invoked only with respect to the whole treaty except as provided in the following paragraphs or in article 60.
3. If the ground relates solely to particular clauses, it may be invoked only with respect to those clauses where:
  - (a) the said clauses are separable from the remainder of the treaty with regard to their application;
  - (b) it appears from the treaty or is otherwise established that acceptance of those clauses was not an essential basis of the consent of the other party or parties to be bound by the treaty as a whole; and
  - (c) continued performance of the remainder of the treaty would not be unjust.
4. In cases falling under articles 49 and 50 the State entitled to invoke the fraud or corruption may do so with respect either to the whole treaty or, subject to paragraph 3, to the particular clauses alone.
5. In cases falling under articles 51, 52 and 53, no separation of the provisions of the treaty is permitted.

**Article 45 LOSS OF A RIGHT TO INVOKE A GROUND FOR INVALIDATING, TERMINATING, WITHDRAWING FROM OR SUSPENDING THE OPERATION OF A TREATY**

A State may no longer invoke a ground for invalidating, terminating, withdrawing from or suspending the operation of a treaty under articles 46 to 50 or articles 60 and 62 if, after becoming aware of the facts:

- (a) it shall have expressly agreed that the treaty is valid or remains in force or continues in operation, as the case may be; or
- (b) it must by reason of its conduct be considered as having acquiesced in the validity of the treaty or in its maintenance in force or in operation, as the case may be.

**Section 2. Invalidity Of Treaties**

**Article 46 PROVISIONS OF INTERNAL LAW REGARDING COMPETENCE TO CONCLUDE TREATIES**

1. A State may not invoke the fact that its consent to be bound by a treaty has been expressed in violation of a provision of its internal law regarding competence to conclude treaties as invalidating its consent unless that violation was manifest and concerned a rule of its internal law of fundamental importance.
2. A violation is manifest if it would be objectively evident to any State conducting itself in the matter in accordance with normal practice and in good faith.



*Article 47*      SPECIFIC RESTRICTIONS ON AUTHORITY TO EXPRESS THE CONSENT OF A STATE

If the authority of a representative to express the consent of a State to be bound by a particular treaty has been made subject to a specific restriction, his omission to observe that restriction may not be invoked as invalidating the consent expressed by him unless the restriction was notified to the other negotiating States prior to his expressing such consent.

*Article 48*      ERROR

1. A State may invoke an error in a treaty as invalidating its consent to be bound by the treaty if the error relates to a fact or situation which was assumed by that State to exist at the time when the treaty was concluded and formed an essential basis of its consent to be bound by the treaty.
2. Paragraph 1 shall not apply if the State in question contributed by its own conduct to the error or if the circumstances were such as to put that State on notice of a possible error.
3. An error relating only to the wording of the text of a treaty does not affect its validity; article 79 then applies.

*Article 49*      FRAUD

If a State has been induced to conclude a treaty by the fraudulent conduct of another negotiating State, the State may invoke the fraud as invalidating its consent to be bound by the treaty.

*Article 50*      CORRUPTION OF A REPRESENTATIVE OF A STATE

If the expression of a State's consent to be bound by a treaty has been procured through the corruption of its representative directly or indirectly by another negotiating State, the State may invoke such corruption as invalidating its consent to be bound by the treaty.

*Article 51*      COERCION OF A REPRESENTATIVE OF A STATE

The expression of a State's consent to be bound by a treaty which has been procured by the coercion of its representative through acts or threats directed against him shall be without any legal effect.

*Article 52*      COERCION OF A STATE BY THE THREAT OR USE OF FORCE

A treaty is void if its conclusion has been procured by the threat or use of force in violation of the principles of international law embodied in the Charter of the United Nations.

*Article 53*      TREATIES CONFLICTING WITH A PEREMPTORY NORM OF GENERAL INTERNATIONAL LAW (JUS COGENS)

A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character.

**Section 3. Termination And Suspension Of The Operation Of Treaties**

*Article 54*      TERMINATION OF OR WITHDRAWAL FROM A TREATY UNDER ITS PROVISIONS OR BY CONSENT OF THE PARTIES

The termination of a treaty or the withdrawal of a party may take place:

- (a) in conformity with the provisions of the treaty; or
- (b) at any time by consent of all the parties after consultation with the other contracting States.

*Article 55*      REDUCTION OF THE PARTIES TO A MULTILATERAL TREATY BELOW THE NUMBER NECESSARY FOR ITS ENTRY INTO FORCE

Unless the treaty otherwise provides, a multilateral treaty does not terminate by reason only of the fact that the number of the parties falls below the number necessary for its entry into force.

*Article 56*      DENUNCIATION OF OR WITHDRAWAL FROM A TREATY CONTAINING NO PROVISION REGARDING TERMINATION, DENUNCIATION OR WITHDRAWAL

1. A treaty which contains no provision regarding its termination and which does not provide for denunciation or withdrawal is not subject to denunciation or withdrawal unless:

- (a) it is established that the parties intended to admit the possibility of denunciation or withdrawal; or
- (b) a right of denunciation or withdrawal may be implied by the nature of the treaty.

2. A party shall give not less than twelve months' notice of its intention to denounce or withdraw from a treaty under paragraph 1.

*Article 57*      SUSPENSION OF THE OPERATION OF A TREATY UNDER ITS PROVISIONS OR BY CONSENT OF THE PARTIES

The operation of a treaty in regard to all the parties or to a particular party may be suspended:

- (a) in conformity with the provisions of the treaty; or
- (b) at any time by consent of all the parties after consultation with the other contracting States.

*Article 58*      SUSPENSION OF THE OPERATION OF A MULTILATERAL TREATY BY AGREEMENT BETWEEN CERTAIN OF THE PARTIES ONLY

1. Two or more parties to a multilateral treaty may conclude an agreement to suspend the operation of provisions of the treaty, temporarily and as between themselves alone, if:

- (a) the possibility of such a suspension is provided for by the treaty; or
- (b) the suspension in question is not prohibited by the treaty and:
  - (i) does not affect the enjoyment by the other parties of their rights under the treaty or the performance of their obligations;
  - (ii) is not incompatible with the object and purpose of the treaty.

2. Unless in a case falling under paragraph 1(a) the treaty otherwise provides, the parties in question shall notify the other parties of their intention to conclude the agreement and of those provisions of the treaty the operation of which they intend to suspend.



*Article 59*      TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY IMPLIED BY CONCLUSION OF A LATER TREATY

A treaty shall be considered as terminated if all the parties to it conclude a later treaty relating to the same subject-matter and:

- (a) it appears from the later treaty or is otherwise established that the parties intended that the matter should be governed by that treaty; or
  - (b) the provisions of the later treaty are so far incompatible with those of the earlier one that the two treaties are not capable of being applied at the same time.
2. The earlier treaty shall be considered as only suspended in operation if it appears from the later treaty or is otherwise established that such was the intention of the parties.

*Article 60*      TERMINATION OR SUSPENSION OF THE OPERATION OF A TREATY AS A CONSEQUENCE OF ITS BREACH

1. A material breach of a bilateral treaty by one of the parties entitles the other to invoke the breach as a ground for terminating the treaty or suspending its operation in whole or in part.
2. A material breach of a multilateral treaty by one of the parties entitles:
- (a) the other parties by unanimous agreement to suspend the operation of the treaty in whole or in part or to terminate it either:
    - (i) in the relations between themselves and the defaulting State, or
    - (ii) as between all the parties;
  - (b) a party specially affected by the breach to invoke it as a ground for suspending the operation of the treaty in whole or in part in the relations between itself and the defaulting State;
  - (c) any party other than the defaulting State to invoke the breach as a ground for suspending the operation of the treaty in whole or in part with respect to itself if the treaty is of such a character that a material breach of its provisions by one party radically changes the position of every party with respect to the further performance of its obligations under the treaty.
3. A material breach of a treaty, for the purposes of this article, consists in:
- (a) a repudiation of the treaty not sanctioned by the present Convention; or
  - (b) the violation of a provision essential to the accomplishment of the object or purpose of the treaty.
4. The foregoing paragraphs are without prejudice to any provision in the treaty applicable in the event of a breach.
5. Paragraphs 1 to 3 do not apply to provisions relating to the protection of the human person contained in treaties of a humanitarian character, in particular to provisions prohibiting any form of reprisals against persons protected by such treaties.

*Article 61*      SUPERVENING IMPOSSIBILITY OF PERFORMANCE

1. A party may invoke the impossibility of performing a treaty as a ground for terminating or withdrawing from it if the impossibility results from the permanent disappearance or destruction of an object indispensable for the execution of the treaty. If the impossibility is temporary, it may be invoked only as a ground for suspending the

operation of the treaty.

2. Impossibility of performance may not be invoked by a party as a ground for terminating, withdrawing from or suspending the operation of a treaty if the impossibility is the result of a breach by that party either of an obligation under the treaty or of any other international obligation owed to any other party to the treaty.

*Article 61* FUNDAMENTAL CHANGE OF CIRCUMSTANCES

1. A fundamental change of circumstances which has occurred with regard to those existing at the time of the conclusion of a treaty, and which was not foreseen by the parties, may not be invoked as a ground for terminating or withdrawing from the treaty unless:

- (a) the existence of those circumstances constituted an essential basis of the consent of the parties to be bound by the treaty; and
- (b) the effect of the change is radically to transform the extent of obligations still to be performed under the treaty.

2. A fundamental change of circumstances may not be invoked as a ground for terminating or withdrawing from a treaty:

- (a) if the treaty establishes a boundary; or
- (b) if the fundamental change is the result of a breach by the party invoking it either of an obligation under the treaty or of any other international obligation owed to any other party to the treaty.

3. If, under the foregoing paragraphs, a party may invoke a fundamental change of circumstances as a ground for terminating or withdrawing from a treaty it may also invoke the change as a ground for suspending the operation of the treaty.

*Article 63* SEVERANCE OF DIPLOMATIC OR CONSULAR RELATIONS

The severance of diplomatic or consular relations between parties to a treaty does not affect the legal relations established between them by the treaty except in so far as the existence of diplomatic or consular relations is indispensable for the application of the treaty.

*Article 64* EMERGENCE OF A NEW PEREMPTORY NORM OF GENERAL INTERNATIONAL LAW (JUS COGENS)

If a new peremptory norm of general international law emerges, any existing treaty which is in conflict with that norm becomes void and terminates.

**Section 4. Procedure**

*Article 65* PROCEDURE TO BE FOLLOWED WITH RESPECT TO INVALIDITY, TERMINATION, WITHDRAWAL FROM OR SUSPENSION OF THE OPERATION OF A TREATY

1. A party which, under the provisions of the present Convention, invokes either a defect in its consent to be bound by a treaty or a ground for impeaching the validity of a treaty, terminating it, withdrawing from it or suspending its operation, must notify the other parties of its claim. The notification shall indicate the measure proposed to be taken with respect to the treaty and the reasons therefor.



2. If, after the expiry of a period which, except in cases of special urgency, shall not be less than three months after the receipt of the notification, no party has raised any objection, the party making the notification may carry out in the manner provided in article 67 the measure which it has proposed.
3. If, however, objection has been raised by any other party, the parties shall seek a solution through the means indicated in article 33 of the Charter of the United Nations.
4. Nothing in the foregoing paragraphs shall affect the rights or obligations of the parties under any provisions in force binding the parties with regard to the settlement of disputes.
5. Without prejudice to article 45, the fact that a State has not previously made the notification prescribed in paragraph 1 shall not prevent it from making such notification in answer to another party claiming performance of the treaty or alleging its violation.

*Article 66* PROCEDURES FOR JUDICIAL SETTLEMENT, ARBITRATION AND CONCILIATION

If, under paragraph 3 of article 65, no solution has been reached within a period of 12 months following the date on which the objection was raised, the following procedures shall be followed:

- (a) any one of the parties to a dispute concerning the application or the interpretation of articles 53 or 64 may, by a written application, submit it to the International Court of Justice for a decision unless the parties by common consent agree to submit the dispute to arbitration;
- (b) any one of the parties to a dispute concerning the application or the interpretation of any of the other articles in Part V of the present Convention may set in motion the procedure specified in the Annex to the Convention by submitting a request to that effect to the Secretary-General of the United Nations.

*Article 67* INSTRUMENTS FOR DECLARING INVALID, TERMINATING, WITHDRAWING FROM OR SUSPENDING THE OPERATION OF A TREATY

1. The notification provided for under article 65 paragraph 1 must be made in writing.
2. Any act declaring invalid, terminating, withdrawing from or suspending the operation of a treaty pursuant to the provisions of the treaty or of paragraphs 2 or 3 of article 65 shall be carried out through an instrument communicated to the other parties. If the instrument is not signed by the Head of State, Head of Government or Minister for Foreign Affairs, the representative of the State communicating it may be called upon to produce full powers.

*Article 68* REVOCATION OF NOTIFICATIONS AND INSTRUMENTS PROVIDED FOR IN ARTICLES 65 AND 67

A notification or instrument provided for in articles 65 or 67 may be revoked at any time before it takes effect.

**Section 5. Consequences Of The Invalidity, Termination Or Suspension Of The Operation Of A Treaty**

*Article 69* CONSEQUENCES OF THE INVALIDITY OF A TREATY

1. A treaty the invalidity of which is established under the present Convention is void. The provisions of a void treaty have no legal force.
2. If acts have nevertheless been performed in reliance on such a treaty:
  - (a) each party may require any other party to establish as far as possible in their mutual relations the position that would have existed if the acts had not been performed;

- (b) acts performed in good faith before the invalidity was invoked are not rendered unlawful by reason only of the invalidity of the treaty.
3. In cases falling under articles 49, 50, 51 or 52, paragraph 2 does not apply with respect to the party to which the fraud, the act of corruption or the coercion is imputable.
  4. In the case of the invalidity of a particular State's consent to be bound by a multilateral treaty, the foregoing rules apply in the relations between that State and the parties to the treaty.

*Article 70* CONSEQUENCES OF THE TERMINATION OF A TREATY

1. Unless the treaty otherwise provides or the parties otherwise agree, the termination of a treaty under its provisions or in accordance with the present Convention:
  - (a) releases the parties from any obligation further to perform the treaty;
  - (b) does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination.
2. If a State denounces or withdraws from a multilateral treaty, paragraph 1 applies in the relations between that State and each of the other parties to the treaty from the date when such denunciation or withdrawal takes effect.

*Article 71* CONSEQUENCES OF THE INVALIDITY OF A TREATY WHICH CONFLICTS WITH A PEREMPTORY NORM OF GENERAL INTERNATIONAL LAW

1. In the case of a treaty which is void under article LIII the parties shall:
  - (a) eliminate as far as possible the consequences of any act performed in reliance on any provision which conflicts with the peremptory norm of general international law; and
  - (b) bring their mutual relations into conformity with the peremptory norm of general international law.
2. In the case of a treaty which becomes void and terminates under article LXIV, the termination of the treaty:
  - (a) releases the parties from any obligation further to perform the treaty;
  - (b) does not affect any right, obligation or legal situation of the parties created through the execution of the treaty prior to its termination; provided that those rights, obligations or situations may thereafter be maintained only to the extent that their maintenance is not in itself in conflict with the new peremptory norm of general international law.

*Article 72* CONSEQUENCES OF THE SUSPENSION OF THE OPERATION OF A TREATY

1. Unless the treaty otherwise provides or the parties otherwise agree, the suspension of the operation of a treaty under its provisions or in accordance with the present Convention:
  - (a) releases the parties between which the operation of the treaty is suspended from the obligation to perform the treaty in their mutual relations during the period of the suspension;
  - (b) does not otherwise affect the legal relations between the parties established by the treaty.
2. During the period of the suspension the parties shall refrain from acts tending to obstruct the resumption of the operation of the treaty.



## PART VI: MISCELLANEOUS PROVISIONS

### *Article 73*      CASES OF STATE SUCCESSION, STATE RESPONSIBILITY AND OUTBREAK OF HOSTILITIES

The provisions of the present Convention shall not prejudice any question that may arise in regard to a treaty from a succession of States or from the international responsibility of a State or from the outbreak of hostilities between States.

### *Article 74*      DIPLOMATIC AND CONSULAR RELATIONS AND THE CONCLUSION OF TREATIES

The severance or absence of diplomatic or consular relations between two or more States does not prevent the conclusion of treaties between those States. The conclusion of a treaty does not in itself affect the situation in regard to diplomatic or consular relations.

### *Article 75*      CASE OF AN AGGRESSOR STATE

The provisions of the present Convention are without prejudice to any obligation in relation to a treaty which may arise for an aggressor State in consequence of measures taken in conformity with the Charter of the United Nations with reference to that State's aggression.

## PART VII: DEPOSITARIES, NOTIFICATIONS, CORRECTIONS AND REGISTRATION

### *Article 76*      DEPOSITARIES OF TREATIES

1. The designation of the depositary of a treaty may be made by the negotiating States, either in the treaty itself or in some other manner. The depositary may be one or more States, an international organization or the chief administrative officer of the organization.
2. The functions of the depositary of a treaty are international in character and the depositary is under an obligation to act impartially in their performance. In particular, the fact that a treaty has not entered into force between certain of the parties or that a difference has appeared between a State and a depositary with regard to the performance of the latter's functions shall not affect that obligation.

### *Article 77*      FUNCTIONS OF DEPOSITARIES

1. The functions of a depositary, unless otherwise provided in the treaty or agreed by the contracting States, comprise in particular:
  - (a) keeping custody of the original text of the treaty and of any full powers delivered to the depositary;
  - (b) preparing certified copies of the original text and preparing any further text of the treaty in such additional languages as may be required by the treaty and transmitting them to the parties and to the States entitled to become parties to the treaty;
  - (c) receiving any signatures to the treaty and receiving and keeping custody of any instruments, notifications and communications relating to it;
  - (d) examining whether the signature or any instrument, notification or communication relating to the treaty is in due and proper form and, if need be, bringing the matter to the attention of the State in question;
  - (e) informing the parties and the States entitled to become parties to the treaty of acts, notifications and

communications relating to the treaty;

- (f) informing the States entitled to become parties to the treaty when the number of signatures or of instruments of ratification, acceptance, approval or accession required for the entry into force of the treaty has been received or deposited;
- (g) registering the treaty with the Secretariat of the United Nations;
- (h) performing the functions specified in other provisions of the present Convention.

2. In the event of any difference appearing between a State and the depositary as to the performance of the latter's functions, the depositary shall bring the question to the attention of the signatory States and the contracting States or, where appropriate, of the competent organ of the international organization concerned.

#### Article 78 NOTIFICATIONS AND COMMUNICATIONS

Except as the treaty or the present Convention otherwise provide, any notification or communication to be made by any State under the present Convention shall:

- (a) if there is no depositary, be transmitted direct to the States for which it is intended, or if there is a depositary, to the latter;
- (b) be considered as having been made by the State in question only upon its receipt by the State to which it was transmitted or, as the case may be, upon its receipt by the depositary;
- (c) if transmitted to a depositary, be considered as received by the State for which it was intended only when the latter State has been informed by the depositary in accordance with article 77, paragraph 1(e).

#### Article 79 CORRECTION OF ERRORS IN TEXTS OR IN CERTIFIED COPIES OF TREATIES

1. Where, after the authentication of the text of a treaty, the signatory States and the contracting States are agreed that it contains an error, the error shall, unless they decide upon some other means of correction, be corrected:

- (a) by having the appropriate correction made in the text and causing the correction to be initialled by duly authorized representatives;
- (b) by executing or exchanging an instrument or instruments setting out the correction which it has been agreed to make; or
- (c) by executing a corrected text of the whole treaty by the same procedure as in the case of the original text.

2. Where the treaty is one for which there is a depositary, the latter shall notify the signatory States and the contracting States of the error and of the proposal to correct it and shall specify an appropriate time-limit within which objection to the proposed correction may be raised. If, on the expiry of the time-limit:

- (a) no objection has been raised, the depositary shall make and initial the correction in the text and shall execute a pro-verbal of the rectification of the text and communicate a copy of it to the parties and to the States entitled to become parties to the treaty;
- (b) an objection has been raised, the depositary shall communicate the objection to the signatory States and to the contracting States.

3. The rules in paragraphs 1 and 2 apply also where the text has been authenticated in two or more languages and it appears that there is a lack of concordance which the signatory States and the contracting States agree should be



corrected.

4. The corrected text replaces the defective text ab initio, unless the signatory States and the contracting States otherwise decide.
5. The correction of the text of a treaty that has been registered shall be notified to the Secretariat of the United Nations.
6. Where an error is discovered in a certified copy of a treaty, the depositary shall execute a procès-verbal specifying the rectification and communicate a copy of it to the signatory States and to the contracting States.

*Article 80*      **REGISTRATION AND PUBLICATION OF TREATIES**

1. Treaties shall, after their entry into force, be transmitted to the Secretariat of the United Nations for registration or filing and recording, as the case may be, and for publication.
2. The designation of a depositary shall constitute authorization for it to perform the acts specified in the preceding paragraph.

**PART VIII: FINAL PROVISIONS**

*Article 81*      **SIGNATURE**

The present Convention shall be open for signature by all States Members of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency or parties to the Statute of the International Court of Justice, and by any other State invited by the General Assembly of the United Nations to become a party to the Convention, as follows: until 30 November 1969, at the Federal Ministry for Foreign Affairs of the Republic of Austria, and subsequently, until 30 April 1970, at United Nations Headquarters, New York.

*Article 82*      **RATIFICATION**

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

*Article 83*      **ACCESSION**

The present Convention shall remain open for accession by any State belonging to any of the categories mentioned in article 81. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

*Article 84*      **ENTRY INTO FORCE**

1. The present Convention shall enter into force on the thirtieth day following the date of deposit of the thirty-fifth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the thirty-fifth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after deposit by such State of its instrument of ratification or accession.

*Article 85*      **AUTHENTIC TEXTS**

The original of the present Convention, of which the 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 Plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

DONE at Vienna, this twenty-third day of May, one thousand nine hundred and sixty-nine.

## A N N E X

1. A list of conciliators consisting of qualified jurists shall be drawn up and maintained by the Secretary-General of the United Nations. To this end, every State which is a Member of the United Nations or a party to the present Convention shall be invited to nominate two conciliators, and the names of the persons so nominated shall constitute the list. The term of a conciliator, including that of any conciliator nominated to fill a casual vacancy, shall be five years and may be renewed. A conciliator whose term expires shall continue to fulfil any function for which he shall have been chosen under the following paragraph.

2. When a request has been made to the Secretary-General under article LXVI, the Secretary-General shall bring the dispute before a conciliation commission constituted as follows:

The State or States constituting one of the parties to the dispute shall appoint:

- (a) one conciliator of the nationality of that State or of one of those States, who may or may not be chosen from the list referred to in paragraph 1; and
- (b) one conciliator not of the nationality of that State or of any of those States, who shall be chosen from the list.

The State or States constituting the other party to the dispute shall appoint two conciliators in the same way. The four conciliators chosen by the parties shall be appointed within sixty days following the date on which the Secretary-General receives the request.

The four conciliators shall, within sixty days following the date of the last of their own appointments, appoint a fifth conciliator chosen from the list, who shall be chairman.

If the appointment of the chairman or of any of the other conciliators has not been made within the period prescribed above for such appointment, it shall be made by the Secretary-General within sixty days following the expiry of that period. The appointment of the chairman may be made by the Secretary-General either from the list or from the membership of the International Law Commission. Any of the periods within which appointments must be made may be extended by agreement between the parties to the dispute.

Any vacancy shall be filled in the manner prescribed for the initial appointment.

3. The Conciliation Commission shall decide its own procedure. The Commission, with the consent of the parties to the dispute, may invite any party to the treaty to submit to it its views orally or in writing. Decisions and recommendations of the Commission shall be made by a majority vote of the five members.

4. The Commission may draw the attention of the parties to the dispute to any measures which might facilitate an amicable settlement.

5. The Commission shall hear the parties, examine the claims and objections, and make proposals to the parties with a view to reaching an amicable settlement of the dispute.

6. The Commission shall report within twelve months of its constitution. Its report shall be deposited with the Secretary-General and transmitted to the parties to the dispute. The report of the Commission, including any conclusions stated therein regarding the facts or questions of law, shall not be binding upon the parties and it shall have no other character than that of recommendations submitted for the consideration of the parties in order to facilitate an amicable settlement of the dispute.

7. The Secretary-General shall provide the Commission with such assistance and facilities as it may require. The expenses of the Commission shall be borne by the United Nations.

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**2625(XXV). DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW  
CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES  
IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS**

*The General Assembly,*

*Recalling* its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967, 2463 (XXIII) of 20 December 1968 and 2533 (XXIV) of 8 December 1969, in which it affirmed the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

*Having considered* the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States<sup>1</sup>, which met in Geneva from 31 March to 1 May 1970,

*Emphasizing* the paramount importance of the Charter of the United Nations for the maintenance of international peace and security and for the development of friendly relations and co-operation among States,

*Deeply convinced* that the adoption of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations on the occasion of the twenty-fifth anniversary of the United Nations would contribute to the strengthening of world peace and constitute a landmark in the development of international law and of relations among States, in promoting the rule of law among nations and particularly the universal application of the principles embodied in the Charter,

*Considering* the desirability of the wide dissemination of the text of the Declaration,

*1. Approves* the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the text of which is annexed to the present resolution;

*2. Expresses its appreciation to* the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States for its work resulting in the elaboration of the Declaration;

*3. Recommends* that all efforts be made so that the Declaration becomes generally known.

*1883rd plenary meeting,  
24 October 1970.*

ANNEX

**DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW  
CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES  
IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS**

**PREAMBLE**

*The General Assembly,*

*Reaffirming* in the terms of the Charter of the United Nations that the maintenance of international peace and security and the development of friendly relations and co-operation between nations are among the fundamental purposes of the United Nations,

*Recalling* that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours,

*Bearing in mind* the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development,

*Bearing in mind also* the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,

*Considering* that the faithful observance of the principles of international law concerning friendly relations and co-operation among States and the fulfillment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security and for the implementation of the other purposes of the United Nations,

*Noting* that the great political, economic and social changes and scientific progress which have taken place in the world since the adoption of the Charter give increased importance to these principles and to the need for their more effective application in the conduct of States wherever carried on,

*Recalling* the established principle that outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means, and mindful of the fact that consideration is being given in the United Nations to the question of establishing other appropriate provisions similarly inspired,

*Convinced* that the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security,

*Recalling* the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

*Considering* it essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

*Considering* it equally essential that all States shall settle their international disputes by peaceful means in accordance with the Charter,

*Reaffirming*, in accordance with the Charter, the basic importance of sovereign equality and stressing that the purposes of the United Nations can be implemented only if States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations,



*Convinced* that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security,

*Convinced* that the principle of equal rights and self-determination of peoples constitutes a significant contribution to contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,

*Convinced* in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter,

*Considering* the provisions of the Charter as a whole and taking into account the role of relevant resolutions adopted by the competent organs of the United Nations relating to the content of the principles,

*Considering* that the progressive development and codification of the following principles:

- (a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,
- (b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,
- (c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter,
- (d) The duty of States to co-operate with one another in accordance with the Charter,
- (e) The principle of equal rights and self-determination of peoples,
- (f) The principle of sovereign equality of States,
- (g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter,

so as to secure their more effective application within the international community, would promote the realization of the purposes of the United Nations,

*Having considered* the principles of international law relating to friendly relations and co-operation among States,

1. *Solemnly proclaims* the following principles:

*The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State or in any other manner inconsistent with the purposes of the United Nations*

Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.

A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.

Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special regimes or as affecting their temporary character.

States have a duty to refrain from acts of reprisal involving the use of force.

Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.

Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands including mercenaries, for incursion into the territory of another State.

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.

The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal. Nothing in the foregoing shall be construed as affecting:

- (a) Provisions of the Charter or any international agreement prior to the Charter regime and valid under international law; or
- (b) The powers of the Security Council under the Charter.

All States shall pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States.

All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, and shall endeavour to make the United Nations security system based on the Charter more effective.

Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful.

*The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered*

Every State shall settle its international disputes with other States by peaceful means in such a manner that international peace and security and justice are not endangered.

States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute.

The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them.



States parties to an international dispute, as well as other States shall refrain from any action which may aggravate the Situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations.

International disputes shall be settled on the basis of the Sovereign equality of States and in accordance with the Principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality.

Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in particular those relating to the pacific settlement of international disputes.

*The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter*

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law.

No State may use or encourage the use of economic political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State.

The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

Nothing in the foregoing paragraphs shall be construed as reflecting the relevant provisions of the Charter relating to the maintenance of international peace and security.

*The duty of States to co-operate with one another in accordance with the Charter*

States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences.

To this end:

- (a) States shall co-operate with other States in the maintenance of international peace and security;
- (b) States shall co-operate in the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance;
- (c) States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention;
- (d) States Members of the United Nations have the duty to take joint and separate action in co-operation with the United Nations in accordance with the relevant provisions of the Charter.

States should co-operate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international cultural and educational progress. States should co-operate in the promotion of economic growth throughout the world, especially that of the developing countries.

*The principle of equal rights and self-determination of peoples*

By virtue of the principle of equal rights and self-determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every State has the duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self-determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order:

- (a) To promote friendly relations and co-operation among States; and
- (b) To bring a speedy end to colonialism, having due regard to the freely expressed will of the peoples concerned;

and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such peoples are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.

The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be 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 conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

*The principle of sovereign equality of States*

All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.

In particular, sovereign equality includes the following elements:

- (a) States are judicially equal;



- (b) Each State enjoys the rights inherent in full sovereignty;
- (c) Each State has the duty to respect the personality of other States;
- (d) The territorial integrity and political independence of the State are inviolable;
- (e) Each State has the right freely to choose and develop its political, social, economic and cultural systems;
- (f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States.

*The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter-:*

Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.

Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.

Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.

## **GENERAL PART**

*2. Declares that:*

In their interpretation and application the above principles are interrelated and each principle should be construed in the context of the other principles.

Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter or the rights and duties of Member States under the Charter or the rights of peoples under the Charter, taking into account the elaboration of these rights in this Declaration.;

*3. Declares further that:*

The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles.

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<sup>1</sup> *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 18 (A/8018)*

