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

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MESSAGE

Outlining the new profile of UNEP, Dr. Klaus Toepfer, the Executive Director of UNEP, has underscored the signal importance of international environmental conventions, protocols and other legal instruments for realisation of global, regional and national sustainable development goals. Addressing the First GEF Assembly in New Delhi, India, on 1 April 1998, Dr. Toepfer stated "In the medium-term, UNEP is determined to further develop and improve its leadership role in forging political consensus on emerging environmental problems and in the development of political instruments. This is an area in which UNEP has its most outstanding successes in the past. We must build on the foundations of the experience gained in the development and implementation of the Montreal Protocol, the Regional Seas Programmes, the Convention on Biological Diversity and Climate Change, The Basel Convention, CITES and the Lusaka Agreement....to name just a few." Thus, forging global and regional consensus on addressing environment and development issues through international accords, and the translation of sustainable development policies and international conventions into action through country-specific legislative and institutional measures and the dissemination of information in the field of International Environmental Law constitute major areas of focus of UNEP's current programme in the 1990's and beyond, as affirmed in UNEP Governing Council Decisions 17/25 and 19/25.

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. In many cases UNEP has been at the centre of that process.

These international legal instruments are the principal 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 Pacific island countries is the aim of this publication.

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. Consequently, UNEP has a unique reservoir of legal expertise and experience - both at its headquarters in Nairobi at the Environmental Law and Institutions Programme Activity Centre (ELIPAC) and here at the Regional Office for Asia and the Pacific in Bangkok.

UNEP's Environmental Law programme in the Asia-Pacific region has been significantly intensified since early 1996. The programme of activities currently includes technical assistance to over ten Asia-Pacific countries and four sub-regional training programmes on various aspects of environmental law of particular interest to the respective sub-regions. Such technical assistance is carried out at the request of Governments in the region, for the strengthening of national environmental legislation for the integration of environment and development and the implementation of environmental conventions. I wish to acknowledge with much appreciation the unsparing support and assistance the Regional Office for Asia and the Pacific (ROAP) has received in the development and implementation of these activities from Mr. Donald Kaniaru, Director of UNEP's Environmental Law and Institutions Programme Activity Centre and his staff. In addition, ROAP continues to enjoy working with the Pacific island countries in the areas of environment management, environmental assessment, State of the Environment (SoE) reporting and environment information.

I welcome the strengthened partnership with the South Pacific Regional Environment Programme and in particular its Director, Tamari'i Tutangata, with the comparative advantages such a partnership brings as is evident in this useful publication. The publication is an invaluable tool to be distributed extensively free of charge in the region to Parliamentarians, Judicial officers, Government officials dealing with environmental issues, Universities, Libraries, Non-Governmental Organisations and others interested in the field of environmental law. I should like to thank the Government of New Zealand whose financial support has made this publication possible. I also appreciate the excellent work of the other members of the Advisory Committee for this publication, as well as the continued support of ELIPAC, which provided the texts of a large proportion of this handbook.

Dr. Suvit Yodmani
Director and Regional Representative
UNEP/ROAP

FOREWORD

The South Pacific Regional Environment Programme (SPREP), established in 1982 with UNEP as one of its founding organisations, is now an autonomous intergovernmental organisation responsible for environmental matters in the South Pacific region. Its members are the governments and administrations of twenty-two Pacific island countries and four developed countries with direct interests in the region. Its third Action Plan 1997-2000, outlines five programme areas of priority for the region and consistent with the 1994 Barbados Programme of Action for the Sustainable Development of Small Island Developing States: (1) Biodiversity and Natural Resource Conservation; (2) Climate Change and Integrated Coastal Management; (3) Waste Management, Pollution Prevention and Emergencies; (4) Environmental Management, Planning and Institutional Strengthening; and (5) Environmental Education, Information and Training.

The long-standing and rewarding partnership in environmental law between SPREP and UNEP headquarters in Nairobi, including the recent Joint Project for Strengthening and Coordinating Environmental Law for the South Pacific Island States, has resulted in delivery of cost-effective and non-duplicative programmes of technical advice and cooperation in the field of Environmental Law and Policy, responding specifically to the particular needs and circumstances of countries in the region. This partnership was regionalised in 1997 with joint programmes of assistance in law developed with UNEP's Regional Office for Asia and the Pacific. In this regard SPREP owes much to Mr. Donald Kaniaru, Director of UNEP's Environmental Law and Institutions Programme Activity Centre and Dr. Suvit Yodmani, the Director and Regional Representative of UNEP's Regional Office for Asia and the Pacific, who have brought and will continue to bring their extensive experience and insight into the environmental law and capacity building dimensions of any joint activities.

In due course, countries of the region will have access to the very many excellent databases available on Internet and in electronic form, such as UNEP's Computerized Environmental Law Information Base (CELIB), the IUCN environmental law database, the APCEL Database and the SPREP database. In the interim however, this freely available publication hopes to be a practical, user-friendly, needs-responsive desktop reference for use in Pacific island countries by both government and non-government personnel working in the area of environment and development and in future SPREP/UNEP Country and Regional Training Workshops.

SPREP recognises the need to provide legal and institutional strengthening to Pacific island countries in a way that allows its member countries to better develop their own capacity once they have been given the tools to use. This book is one such tool to achieving sustainable development objectives.

This publication is not an exhaustive statement of all international environmental documents but a selection of the most frequently referred to legally binding Conventions and Agreements, as well as important non-binding Statements and Declarations (such as the Rio Declaration on Environment and Development) which serve to highlight the development of environmental law since 1972.

I should like to express my appreciation for the financial support of the Government of New Zealand and also for the work done by Mr. Donald Kaniaru, Director, UNEP's ELIPAC, Mr. Lal Kurukulasuriya, Chief of UNEP's Regional Environmental Law Programme and Ms. Clare Cory and Mr. Bernard Moutou, Legal Officers at SPREP, for compiling this important publication.

I sincerely hope that this publication will be extensively used by all those engaged in activities in the area of environment and development in Pacific island 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 region as a whole.

Tamari'i Tutangata
Director
SPREP

INTERNATIONAL CONVENTION FOR THE REGULATION OF WHALING

Adopted at Washington on 2 December 1946
Entered into force 10 November 1948

PREAMBLE

The Governments whose duly authorized representatives have subscribed hereto,

Recognizing the interest of the nations of the world in safeguarding for future generations the great nature resources represented by the whale stocks;

Considering that the history of whaling has been over-fishing of one area after another and of one species of whale after another to such a degree that it is essential to protect all species of whales from further over-fishing;

Recognizing that the whale stocks are susceptible of natural increases if whaling is properly regulated, and that increases in the size of whale stocks will permit increases in the numbers of whales which may be captured without endangering these natural resources;

Recognizing that it is in the common interest to achieve the optimum level of whale stocks as rapidly as possible without causing wide-spread economic and nutritional distress;

Recognizing that in the course of achieving these objectives, whaling operations should be confined to those species best able to sustain exploitation in order to give an interval for recovery to certain species of whales now depleted in numbers;

Desiring to establish a system of international regulation for the whale fisheries to ensure proper and effective conservation and development of whale stocks on the basis of the principles embodied in the provisions of the International Agreement for the Regulation of Whaling signed in London on 8 June 1938 and the protocols to that Agreement signed in London on 24 June 1938 and 26 November 1945; and

Having decided to conclude a convention to provide for the proper conservation of whale stocks and thus make possible the orderly development of the whaling industry;

Have agreed as follows:

Article I

1. This Convention includes the Schedule attached thereto which forms an integral part thereof. All references to "Convention" shall be understood as including the said Schedule either in its present terms or as amended in accordance with the provisions of Article V.
2. This Convention applies to factory ships, land stations, and whale catchers under the jurisdiction of the Contracting Governments, and to all waters in which whaling is prosecuted by such factory ships, land stations, and whale catchers.

Article II

As used in this Convention:

1. "factory ship" means a ship in which or on which whales are treated whether wholly or in part;
2. "land stations" means a factory on the land at which whales are treated whether wholly or in part;
3. "whale catcher" means a ship used for the purpose of hunting, taking, towing, holding on to, or scouting for whales;

Article V

1. The Commission may amend from time to time the provisions of the Schedule by adopting regulations with respect to the conservation and utilization of whale resources, fixing (a) protected and unprotected species; (b) open and closed seasons; (c) open and closed waters, including the designation of sanctuary areas; (d) size limits for each species; (e) time, methods, and intensity of whaling (including the maximum catch of whales to be taken in any one season); (f) types and specifications of gear and apparatus and appliances which may be used; (g) methods of measurement; and (h) catch returns and other statistical and biological records.
2. These amendments of the Schedule (a) shall be such as are necessary to carry out the objectives and purposes of this Convention and to provide for the conservation, development, and optimum utilization of the whale resources, (b) shall be based on scientific findings; (c) shall not involve restrictions on the number or nationality of factory ships or land stations, nor allocate specific quotas to any factory ship or land station or to any group of factory ships or land stations, and (d) shall take into consideration the interests of the consumers of whale products and the whaling industry.
3. Each of such amendments shall become effective with respect to the Contracting Governments ninety days following notification of the amendment by the Commission to each of the Contracting Governments, except that (a) if any Government presents to the Commission objection to any amendment prior to the expiration of this ninety-day period, the amendment shall not become effective with respect to any of the Governments for an additional ninety days; (b) thereupon, any other Contracting Government may present objection to the amendment at any time prior to the expiration of the additional ninety-day period, or before the expiration of thirty days from the date of receipt of the last objection received during such additional ninety-day period, whichever date shall be the later; and (c) thereafter, the amendment shall become effective with respect to all Contracting Governments which have not presented objection but shall not become effective with respect to any Government which has so objected until such date as the objection is withdrawn. The Commission shall notify each Contracting Government immediately upon receipt of each objection and withdrawal and each Contracting Government shall acknowledge receipt of all notifications of amendments, objections and withdrawals.
4. No amendments shall become effective before 1 July 1949.

Article VI

The Commission may from time to time make recommendations to any or all Contracting Governments on any matters which relate to whales or whaling and to the objectives and purposes of this Convention.

Article VII

The Contracting Governments shall ensure prompt transmission to the International Bureau of Whaling Statistics at Sandefjord in Norway, or to such other body as the Commission may designate, of notifications and statistical and other information required by this Convention in such form and manner as may be prescribed by the Commission.

Article VIII

1. Notwithstanding anything contained in this Convention, any Contracting Government may grant to any of its nationals a special permit authorizing that national to kill, take, and treat whales for purposes of scientific research subject to such restrictions as to number and subject to such other conditions as the Contracting Government thinks fit, and the killing, taking, and treating of whales in accordance with the provisions of this Article shall be exempt from the operations of this Convention. Each Contracting Government shall report at once to the Commission all such authorizations which it has granted. Each Contracting Government may at any time revoke any such special permit which it has granted.
2. Any whales taken under these special permits shall so far as practicable be processed and the proceeds shall be dealt with in accordance with directions issued by the Government by which the permit was granted.

3. Each Contracting Government shall transmit to such body as may be designated by the Commission, in so far as practicable, and at intervals of not more than one year, scientific information available to that Government with respect to whales and whaling, including the results of research conducted pursuant to paragraph 1 of this Article and to Article IV.

4. Recognizing that continuous collection and analysis of biological data in connection with the operations of factory ships and land stations are indispensable to sound and constructive management of the whale fisheries, the Contracting Governments will take all practicable measures to obtain such data.

Article IX

1. Each Contracting Government shall take appropriate measures to ensure the application of the provisions of this Convention and the punishment of infractions against the said provisions in operations carried out by persons or by vessels under its jurisdiction.

2. No bonus or other remuneration calculated with relation to the results of their work shall be paid to the gunners and crews of whale catchers in respect of any whales the taking of which is forbidden by this Convention.

3. Prosecution for infractions against or contraventions of this Convention shall be instituted by the Government having jurisdiction over the offense.

4. Each Contracting Government shall transmit to the Commission full details of each infraction of the provisions of this Convention by persons or vessels under the jurisdiction of that Government as reported by its inspectors. This information shall include a statement of measures taken for dealing with the infraction and of penalties imposed.

Article X

1. This Convention shall be ratified and the instruments of ratification shall be deposited with the Government of the United States of America.

2. Any Government which has not signed this Convention may adhere thereto after it enters into force by a notification in writing to the Government of the United States of America.

3. The Government of the United States of America shall inform all other signatory Governments and all adhering Governments of all ratifications deposited and adherences received.

4. This Convention shall, when instruments of ratification have been deposited by at least six signatory Governments, which shall include the Governments of Netherlands, Norway, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America, enter into force with respect to each Government which subsequently ratifies or adheres on the date of the deposit of its instrument of ratification or the receipt of its notification of adherence.

5. The provisions of the Schedule shall not apply prior to 1 July 1948. Amendments to the Schedule adopted pursuant to Article V shall not apply prior to 1 July 1949.

Article XI

Any Contracting Government may withdraw from this Convention on June thirtieth of any year by giving notice on or before January first of the same year to the depositary Government, which upon receipt of such a notice shall at once communicate it to the other Contracting Governments. Any other Contracting Government may, in like manner, within one month of the receipt of a copy of such a notice from the depositary Government, give notice of withdrawal, so that the Convention shall cease to be in force on June thirtieth of the same year with respect to the Government giving such notice of withdrawal. This Convention shall bear the date on which it is opened for signature and shall remain open for signature for a period of fourteen days thereafter.

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

DONE in Washington this second day of December 1946, in the English language, the original of which shall be deposited in the archives of the Government of the United States of America. The Government of the United States of America shall transmit certified copies thereof to all the other signatory and adhering Governments.

SCHEDULE

On 13 July 1979

I. INTERPRETATION

1. The following expressions have the meanings respectively assigned to them, this is to say:

"baleen whale" means any whale which has baleen or whale bone in the mouth. i.e any whale other than a toothed whale.

"beaked whale" means any whale belonging to the genus *Mesoplodon* or any whale known as Cuvier's beaked whale (*Ziphius cavirostris*), or Shepherd's beaked whale (*Tasmacetus shepherdi*).

"blue whale" (*Balaenoptera musculus*) means any whale known as blue whale, Sibbald's rorqual, or sulphur bottom, and including pygmy blue whale.

"bottlenose whale" means any whale known as Baird's beaked whale (*Berardius bairdii*), Arnoux's whale (*Berardius arnuxii*), southern bottlenose whale (*Hyperoodon planifrons*) or northern bottlenose whale (*Hyperoodon ampuliatu*s).

"bowhead whale" (*Balaena mysticetus*) means any whale known as bowhead, Arctic right whale, great polar whale, Greenland right whale, Greenland whale.

"Bryde's whale" (*Balaenoptera edeni*, *B. brydei*) means any whale known as Bryde's whale.

"dauhval" means any unclaimed dead whale found floating.

"fin whale" (*Balaenoptera physalus*) means any whale known as common finback, common rorqual, fin whale, herring whale, or true fin whale.

"gray whale" (*Eschrichtius robustus*) means any whale known as gray whale, California gray, devil fish, hard head, mussel digger, gray back, or rip sack.

"humpback whale" (*Megaptera novaeangliae*) means any whale known as bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"killer whale" (*Orcinus orca*) means any whale known as killer whale or orca.

"minke whale" (*Balaenoptera acutorostrata*, *B. bonaerensis*) means any whale known as lesser rorqual, little piked whale, minke whale, pikeheaded whale or sharp headed finner.

"pilot whale" means any whale known as longfinned pilot whale (*Globicephala melaena*) or shortfinned pilot whale (*G. macrorhynchus*).

"right whale" (*Eubalaena glacialis*, *E. australis*) means any whale known as Atlantic right whale, Arctic right whale, Biscayan right whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, or southern right whale.

"pygmy right whale" (*Caperea marginata*) means any whale known as southern pygmy right whale, pygmy right whale.

"sei whale" (*Balaenoptera borealis*) means any whale known as sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale.

"sperm whale" (*Physeter macrocephalus*) means any whale known as sperm whale, spermacet whale, cachalot or pot whale.

"toothed whale" means any whale which has teeth in the jaws.

"lost whale" means any whale that has been taken but not delivered to the factory ship or land station.

"whale taken" means whales that have been killed and either flagged or made fast to catchers.

"lactating whale" means

(a) with respect to baleen whales - a female which has any milk present in a mammary gland,

(b) with respect to sperm whales - a female which has milk present in a mammary gland the maximum thickness (depth) of which is 10 cm or more. This measurement shall be at the mid ventral point of the mammary gland perpendicular to the body axis, and shall be logged to the nearest centimetre; that is to say, any gland between 9.5 cm and 10.5 cm shall be logged as 10cm. The measurement of any gland which falls on an exact 0.5 centimetre shall be logged at the next 0.5 centimetre, e.g. 10.5 cm shall be logged as 11.0 cm.

However, notwithstanding the criteria, a whale shall not be considered a lactating whale if scientific (histological or other biological) evidence is presented to the appropriate national authority establishing that the whale could not at this point in its physical cycle have had a calf dependent on it for milk.

"small-type whaling" means catching operations using powered vessels with mounted harpoon guns hunting exclusively for minke, bottlenose, beaked pilot or killer whales.

II. SEASONS

2. a) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating baleen whales except minke whales, in any water south of 4.00 South Latitude, except during the period from 12 December to 7 April following, both days inclusive.

b) It is forbidden to use a factory ship or whale catcher attached thereto for the purpose of taking or treating sperm or minke whales, except as permitted by the Contracting Governments in accordance with sub-paragraphs (c), (d) and (e) of this paragraph.

c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, an open season or seasons not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted provided that:

(i) a separate open season may be declared for each factory ship and the whale catchers attached thereto;

(ii) the open season need not necessarily include the whale or any part of the period declared for other baleen whales pursuant to sub-paragraph (a) of this paragraph.

e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be

permitted. Notwithstanding this paragraph one continuous open season not to exceed nine months may be implemented so far as Greenland is concerned.

3. a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with sub-paragraphs (b), (c) and (d) of this paragraph.

b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen whales, except minke whales, by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all land stations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen whales, except minke whales, which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen whales, except minke whales, under the jurisdiction of the same Contracting Government.

c) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

d) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in sub-paragraph (b) of this paragraph); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this sub-paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

e) The prohibitions contained in this paragraph shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of paragraph 6 of this Schedule.

4. It is forbidden to use a factory ship which has been used during a season in any waters south of 400 South Latitude for the purpose of treating baleen whales, except minke whales, in any other area except the North Pacific Ocean and its dependent waters north of the Equator for the same purpose within a period of one year from the termination of that season; provided that catch limits in the North Pacific Ocean and dependent waters are established as provided in paragraph 10 and 15 of this Schedule and provided that this paragraph shall not apply to a ship which has been used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

III. CAPTURE

Area limits for Factory Ships:

5. In accordance with Article V (1) (c) of the Convention commercial whaling whether by pelagic operations or from land stations is prohibited in a region designated as the Indian Ocean Sanctuary. This comprises the waters of the Northern Hemisphere from the coast of Africa to 100 degrees East including

the Red and Arabian Seas and the Gulf of Oman; and the waters of the Southern Hemisphere in the sector from 20 degrees East to 130 degrees East with the Southern boundary set at 55 degrees south. This prohibition applies irrespective of the classifications of baleen or toothed whale stocks in the sanctuary as may from time to time be determined by the Commission. This provision will apply for ten years with the provision for a general review after five years unless the Commission decides otherwise.

6. It is forbidden to use a factory ship or whale catcher attached thereto, for the purpose of taking or treating baleen whales, except minke whales, in any of the following areas:

a) in the waters north of 660 North Latitude, except that from 1500 East Longitude eastwards as far as 1400 West Longitude, the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 660 North Latitude and 720 North Latitude;

b) in the Atlantic Ocean and its dependent waters north of 400 South Latitude;

c) in the Pacific Ocean and its dependent waters east of 1500 West Longitude between 400 South Latitude and 350 North Latitude;

d) in the Pacific Ocean and its dependent waters west of 1500 West Longitude between 400 South Latitude and 200 North Latitude;

e) in the Indian Ocean and its dependent waters north of 400 South Latitude.

7. a) A factory ship which operates solely within territorial waters in one of the areas specified in sub-paragraph (c) of this paragraph, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operations of land stations and not to the regulations governing the operation of factory ships.

b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in sub-paragraph (c) of this paragraph or south of 400 South Latitude.

c) The areas referred to in sub-paragraph (a) and (b) are:

1. On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

2. On the Pacific coast of the United States of America between 350 North Latitude and 490 North Latitude.

8. a) Classification of Areas and Divisions

Areas in the Southern Hemisphere are those waters between the ice-edge and the equator and lying between the meridians of longitude listed in Table I.

b) Classification of Divisions

Divisions relating to the catch limits for Southern Hemisphere sperm whales are those waters lying between the ice-edge and the equator and between the meridians of longitude listed in Table 2.

c) Geographical boundaries in the North Atlantic.

The geographical boundaries for the fin, sei and minke whale stocks in the North Atlantic are:

Fin whale stocks

1. Nova Scotia

South and West of a line through:
470N 540W, 460N 540 30'W,
460N 420 200N 420W

2. Newfoundland - Labrador

West of a line through:
750N 730 30'W, 690N 590W, 610N 590W, 520 20' N 420W, 460N 420W
and North of a line through:
460N 420W, 460N 540 30'W 470N 540W.

3. West Greenland

East of a line through:
750N 730 30'W, 690N 590W 610N 590W 520 20'N 420W,
and West of a line through:
520 20'N 420W, 590N 420W, 590 440W,
Kap Farvel.

4. East Greenland - Iceland

East of a line through:
Kap Farvel (South Greenland)
590N 440W, 590N 420W, 200N 420W
and West of a line through:
200N 180W 600N 180W, 680N 30E, 740N 30E,
and South of 740N latitude.

5. North Norway

North and East of a line through:
740N 220W, 740N 30E, 680N 30E, 670 00, 670N 140E.

6. West Norway and Faroe Islands

South of a line through:
670N 140E, 670N 00, 600N 180W, and
North of a line through:
610N 160W, 610N 00, Thyboron (western entrance to Limfjorden,
Denmark).

7. British Isles - Spain and Portugal

South of a line through:
Thyboron (Denmark), 610N 00, 610N 160W and
East of a line through:
630N 110W, 600N 180W, 220N 180W.

Minke whale stocks

1. Canadian East Coast

West of a line through:
750N 730 30'W. 690N 590W, 610N 590W, 520 20' N 420W, 200N 420W.

2. West Greenland

East of line through:
750N 730 30'W. 690W 590W, 610N 590W, 520 20' N 420W, and

West of a line through:
52° 20' N 42° W, 59° N 42° W, 59° N 44° W,
Kap Farvel.

3. East Greenland - Iceland - Jan Mayen

East of a line through:
Kap Farvel (South Greenland)
59° N 44° W, 59° N 42° W, 20° N 42° W and
West of a line through:
20° N 18° W 60° N 18° W, 68° N 30° E, 74° N 30° E, and
South of 74° N latitude.

4. Svalbard - Norway - British Isles

East of line through:
20° N 18° W, 60° N 18° W, 68° N 30° E, 74° N 30° E, and
North of a line through:
74° N 30° E, 74° N 22° W.

Sei whale stocks

1. Nova Scotia

South and West of a line through:
47° N 54° W, 46° N 54° 30' W. 46° N 42° W, 20° N 42° W.

2. Iceland - Denmark Strait

East of a line through:
Kap Farvel (South Greenland),
59° N 44° W, 59° N 42° W, 20° N 42° W and
West of a line through:
20° N 28° W, 60° N 18° W, 68° N 30° E, 74° N 30° E, 74° N 30° E, and
South of 74° N latitude.

d) Geographical boundaries in the North Pacific. The geographical boundaries for the sperm and Bryde's whale stocks in the North Pacific are:

Sperm whale stocks

1. Western Division

West of a line from the ice-edge south along the 180° meridian of longitude to 28° N, 50° N, then east along the 50° N parallel of latitude to 160° W 50° N, then south along the 160° W meridian of longitude to 160° W, 40° N, then east along the 40° N parallel of latitude to 150° W, 40° N, then south along the 150° W meridian of longitude to the equator.

2. Eastern Division

East of the line described in 1.

Bryde's whale stocks

1. Western Stock

West of the 160° W meridian of longitude.

2. Eastern Stock

East of the 160° W meridian of longitude.

Classification of Stocks

9. All stocks of whales shall be classified in one of three categories according to the advice of the Scientific Committee as follows:

a) A Sustained Management Stock (SMS) is a stock which is not more than 10 per cent of Maximum Sustainable Yield (hereinafter referred to as MSY) stock level below MSY stock level, and not more than 20 per cent above that level; MSY being determined on the basis of the number of whales.

When a stock has remained at a stable level for a considerable period under a regime of approximately constant catches, it shall be classified as a Sustained Management Stock in the absence of any positive evidence that it should be otherwise classified.

Commercial whaling shall be permitted on Sustained Management Stocks according to the advice of the Scientific Committee. These stocks are listed in Tables 1 and 2 of this Schedule.

For the 1978/79 pelagic season and the 1979 coastal season in the Southern Hemisphere and for the 1979 season in all other areas for stocks between the MSY stock level and 10 per cent below that level, the permitted catch shall not exceed the number of whales obtained by taking 90 per cent of the MSY and reducing that number by 10 per cent for every 1 per cent by which the stock falls short of the MSY stock level. For stocks at or above the MSY stock level, the permitted catch shall not exceed 90 per cent of the MSY.

b) An Initial Management Stock (IMS) is a stock more than 20 per cent of MSY stock level above MSY stock level. Commercial whaling shall be permitted on Initial Management Stocks according to the advice of the Scientific Committee as to measures necessary to bring the stocks to the MSY stock level and then optimum level in an efficient manner and without risk of reducing them below this level. The permitted catch for such stocks will be more than 90 per cent of MSY as far as this is known, or, where it will be more appropriate, catching effort shall be limited to that which will take 90 per cent of MSY in a stock at MSY stock level.

In the absence of any positive evidence that a continuing higher percentage will not reduce the stock below the MSY stock level no more than 5 per cent of the estimated initial exploitable stock shall be taken in any one year. Exploitation should not commence until an estimate of stock size has been obtained which is satisfactory in the view of the Scientific Committee. Stocks classified as Initial Management Stock are listed in Tables 1 and 2 of this Schedule.

c) A Protection Stock (PS) is a stock which is below 10 per cent of MSY stock level below MSY stock level. There shall be no commercial whaling on species or stocks whilst they are classified as Protection Stocks.

Species and stocks so classified are listed in Tables 1 and 2 of this Schedule.

a) Notwithstanding the other provisions of paragraph 9, there shall be a moratorium on the taking, killing or treating of whales, excluding minke whales, by factory ships or whale catchers attached to factory ships.

Areas, Regions, Divisions, Stock Classifications and Quotas.

Baleen Whales. Catch Limits

10. The number of baleen whales taken during the open season in the Southern Hemisphere by factory ships, land stations or whale catchers attached thereto under the jurisdiction of the Contracting Governments shall not exceed 6,221 minke whales and 0 Bryde's whales (pending a satisfactory estimate of stocks size), in the 1978/79 pelagic season and the 1979 coastal season. The total catches taken in any of the Areas I to VI shall not exceed the limits shown in Table 1. However, in no circumstances shall the sum of the Area catches exceed the total quotas for each species.

11. The number of baleen whales taken in the North Pacific Ocean and dependent waters in 1979 and in the North Atlantic Ocean in 1979 shall not exceed the limits shown in Table 1.

12. Notwithstanding the provisions of paragraph 8 the taking of 10 humpback whales not below 35 feet (10.7 metres) in length, per year is permitted in Greenland waters provided that whale catchers of less than 50 gross register tonnage are used for this purpose, and the taking of gray whales, and of bowhead whales from the Bering Sea stock, by aborigines or a Contracting Government on behalf of aborigines is permitted, but only when the meat and products of such whales are to be used exclusively for local consumption by the aborigines and further provided, with respect to the Bering Sea stock of bowhead whales that:

- a) in 1978, hunting shall cease when either 20 have been struck or 14 landed
- b) in 1979, hunting shall cease when either 27 have been struck or 18 landed
- c) it is forbidden to strike, take or kill calves or any bowhead whale accompanied by a calf.

13. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

Baleen whales. Size limits.

14. a) It is forbidden to take or kill any sei or Bryde's whales below 40 feet (12.2 metres) in length except that sei and Bryde's whales of not less than 35 feet (10.7 metres) may be taken for delivery to land stations, provided that, the meat of such whales is to be used for local consumption as human or animal food.

b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere, provided that, in each case the meat of such whales is to be used for local consumption as human or animal food.

Sperm whales. Catch limits.

15. The number of sperm whales taken in the Southern Hemisphere in the 1978/79 pelagic season and the 1979 coastal season shall not exceed 3,820 males and 1,055 females. The total catch in any of the Divisions 1 to 9 shall not exceed the limits shown in Table 2.

16. The number of sperm whales taken in the North Pacific Ocean and dependent waters in 1979 and in the North Atlantic Ocean in 1979 shall not exceed the limits shown in Table 2.

17. It is forbidden to take or kill suckling calves or female whales accompanied by calves.

Sperm whales. Size Limits.

18. a) It is forbidden to take or kill any sperm whales below 30 feet (9.2 metres) in length except in the North Atlantic Ocean where it is forbidden to take or kill any sperm whales below 35 feet (10.7 metres).

b) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the Southern Hemisphere north of 400 South Latitude during the months of October to January inclusive.

c) It is forbidden to take or kill any sperm whale over 45 feet (13.7 metres) in length in the North Pacific Ocean and dependent waters south of 400 North Latitude during the months of March to June inclusive.

IV. TREATMENT

19. a) It is forbidden to use a factory or a land station for the purpose of treating any whales (whether or not taken by whale catchers under the jurisdiction of a Contracting Government) which are classified as

Protection Stocks in paragraph 8 or are taken by whale catchers under the jurisdiction of a Contracting Government in contravention of paragraphs 2, 3, 5, 9, 10, 14 and 15 of this Schedule.

b) All other whales, except minke whales, taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals. A Contracting Government may in less developed regions exceptionally permit treating of whales without use of land stations, provided that such whales are fully utilised in accordance with this paragraph.

c) Complete treatment of the carcasses of "dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

20. a) The taking of whales for treating by a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcase (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

V. SUPERVISION AND CONTROL

21. a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection provided that at least one such inspector shall be maintained on each catcher functioning as a factory ship. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship, provided that inspectors need not be appointed to ships which, apart from the shortage of products, are used during the season solely for freezing or salting the meat and entrails of whales intended for human food or feeding animals.

b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

c) There shall be received such observers as the member countries may arrange to place on factory ships and land stations or groups of land stations of other member countries. The observers shall be appointed by the Commission acting through its Secretary and paid by the Government nominating them.

22. Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect of the taking of lactating whales.

23. Whales must be measured when at rest on deck or platform after the hauling out wire and grasping device have been released, by means of a tape-measure made of non-stretching material. The zero end of the tape-measure shall be attached to a spike or stable device to be positioned on the deck or platform abreast of one end of the whale. Alternatively the spike may be stuck into the tail fluke abreast of the apex of the notch. The tape-measure shall be held taut in a straight line parallel to the deck and the whale's body, and other than in exceptional circumstances along the whale's back, and read abreast of the other end of the whale. The ends of the whale for measurement purposes shall be the tip of the upper jaw or, in sperm whales, the most forward part of the head and the apex of the notch between the tail flukes.

Measurements shall be logged to the nearest foot or 0.1 metres. That is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. Similarly, any whale between 10.15 metres and 10.25 metres shall be logged as 10.2 metres, and any whale between 10.25 metres and 10.35 metres shall be logged as 10.3 metres. The measurement of any whale which falls on an exact half foot or 0.05 metre shall be logged at the next half foot or 0.05 metre e.g. 76 feet 6 inches precisely shall be logged as 77 feet and 10.25 metres precisely shall be logged as 10.3 metres.

VI. INFORMATION REQUIRED

24. a) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

- 1) The time when each whale is taken
- 2) Its species, and
- 3) Its marking effected pursuant to sub-paragraph 19 (b).

b) The information specified in sub-paragraph (a) of this paragraph shall be entered immediately by a factory ship in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

- 1) Time of hauling up for treatment
- 2) Length, measures pursuant to paragraph 22
- 3) Sex
- 4) If female, whether lactating
- 5) Length and sex of foetus, if present, and
- 6) A full explanation of each infraction.

c) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by land stations, and all of the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

d) A record similar to that described in sub-paragraph (b) of this paragraph shall be maintained by "small-type whaling" operations conducted from shore or by pelagic fleets, and all of this information mentioned in the said sub-paragraph shall be entered therein as soon as available.

25. a) All whale catchers operating in conjunction with factory ships and land stations shall report the following information on each whale taken:

- (i) Methods used to kill a whale, other than a harpoon, and in particular compressed air.
- (ii) Number of whales struck but lost.

b) A record similar to that described in sub-paragraph (a) of this paragraph shall be maintained by vessels engaged in "small-type whaling" operations and by native peoples taking species listed in paragraph 1, and all the information mentioned in the said sub-paragraph shall be entered therein as soon as available.

26. a) Notification shall be given in accordance with the provision of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of Bryde's and minke whales taken in any waters south of 400 South Latitude by all factory ships or whale catchers attached thereto under the jurisdiction of each Contracting Government, provided that when the number of each of these species taken is deemed by the Bureau of International Whaling Statistics to have reached 85 per cent of whatever total catch limit is imposed by the Commission notification shall be given as aforesaid at the end of each day of data on the number of each of these species taken.

b) If it appears that the maximum catches of whales permitted by paragraph 9 may be reached before 7th April of any year, the Bureau of International Whaling Statistics shall determine on the basis of the data provided, the date on which the maximum catch of each of these species shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The taking or attempting to take baleen whales, so notified, by factory ships or whale catchers attached thereto shall be illegal in any waters south of 400 South Latitude after midnight of the date so determined.

c) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 400 South Latitude.

27. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information

- a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and
- b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with
- c) particulars with respect to each whale treated in the factory ship, land station or "small-type whaling" operations as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in (a) and (c) above shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration of whales.

28. Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and catcher ships of the following statistical information:

- a) The name and gross tonnage of each factory ship
- b) For each catcher ship attached to a factory ship or land station
 - (i) the dates on which each is commissioned and ceases whaling for the season
 - (ii) the number of days on which each is at sea on the whaling grounds each season
 - (iii) where possible the time spent each day on different components of the catching operation.
 - (iv) the gross tonnage, horsepower, length and other characteristics of each; vessels used only as tow boats should be specified
 - (v) Any modifications of the above measures or data from other suitable indicators of fishing effort for "small-type whaling" operations.
- c) A list of the land stations which were in operation during the period concerned, and the number of miles searched per day by aircraft, if any.

The information required under paragraph (b) (iii) to (b) (v) should be recorded in the log book format shown in Appendix A.

- 29
- a) Where possible all factory ships and land stations shall collect from each whale taken and report on:
 - 1) both ovaries or the combined weight of both testes.
 - 2) at least one ear plug, or one tooth (preferably first mandibular).
 - b) Where possible similar collections to those described in sub-paragraph (a) of this paragraph shall be undertaken and reported by small-type whaling operations conducted from shore or by pelagic fleets.
 - c) All specimens collected under sub-paragraph (a) and (b) shall be properly labelled with the platform or other identification number of the whale and be appropriately preserved.
 - d) A Contracting Government shall arrange for analysis as soon as possible of the tissue samples and specimens collected under sub-paragraphs (a) and (b) and report on the results of such analyses.

30. A Contracting Government shall transmit to the Commission copies of all its official laws and regulations relating to whales and whaling and changes in such laws and regulations.

CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL HABITAT

Adopted at Ramsar on 2 February 1971
Entered into force 21 December 1975

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 Depositary. 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 Depositary. Denunciation shall take effect four months after the day on which notice thereof is received by the Depositary.

Article 12

1. The Depositary 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 Depositary 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 Depositary 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

Entered into force 17 December 1975

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
3. 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.

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

Adopted at Washington on 3 March 1973, amended 1979, and provisionally at Gaborone 30 April 1983
With Appendices (I and II, 16 April 1995; III, 16 November 1995)
Entered 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, subspecies, 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 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 reexported 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 XII 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 I(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.]¹⁹⁹

Article XXII ENTER 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.
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 RESERVATION

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.

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:

	<u>1995</u>	<u>1996</u>	<u>1997</u>
Madagascar	4,700	5,200	5,200
rancher specimens:	4,500	5,000	5,000
wild nuisance specimens:	200	200	200
Uganda	2,500	2,500	2,500

Apart from rancher 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 Lemuridae

- =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 roloway*
- =309 Includes generic synonym *mias*
- =311 Includes synonym *Colobus badius kirkii*
- =312 Includes synonym *Colobus badius rufomitratus*
- =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 *Naemorhedus 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 babilonicus* 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 novaeseelandiae cookii*
- =373 Also referenced as *Opopsitta diophthalma coxeni*
- =374 Also referenced as *Pezoporus occidentalis*
- =375 Formerly included in species *Psephotus chrysopterygius*
- =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'Abrera
- =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 *Toumeyia* 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 Cyripediaceae as subfamilies Apostasioideae and Cyripedioideae
- =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

MONOTREMATIA

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 jubatus
Acerodon lucifer p.e.

Acerodon spp.

Pteropus insularis
Pteropus mariannus
Pteropus molossinus
Pteropus phaeocephalus

Pteropus spp. *

	<i>Pteropus pilosus</i>	
	<i>Pteropus samoensis</i>	
	<i>Pteropus tonganus</i>	
PRIMATES		PRIMATES spp. * =302
Lemuridae	Lemuridae spp.	
Megaladapidae	Megaladapidae spp. =303	
Cheirogaleidae	Cheirogaleidae spp.	
Indridae	Indridae spp.	
Daubentoniidae	<i>Daubentonia madagascariensis</i>	
Callithricidae	<i>Callimico goeldii</i>	
	<i>Callithrix aurita</i> =304	
	<i>Callithrix flaviceps</i> =304	
	<i>Leontopithecus</i> spp. =305	
	<i>Saguinus bicolor</i>	
	<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>Cacujao</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 potenziანი</i>	
	<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>	
Muridae	<i>Leporillus conditor</i> <i>Pseudomys praeconis</i> <i>Xeromys myoides</i> <i>Zyromys pedunculatus</i>	<i>Ratufa</i> spp.
Chinchillidae	<i>Chinchilla</i> spp. °501	
CETACEA		
		CETACEA spp. *
Platanistidae	<i>Lipotes vexillifer</i> <i>Platanista</i> spp.	
Ziphiidae	<i>Berardius</i> spp. <i>Hyperoodon</i> spp.	
Physeteridae	<i>Physeter catodon</i> =319	
Delphinidae	<i>Sotalia</i> spp. <i>Sousa</i> spp.	
Phocoenidae	<i>Neophocaena phocaenoides</i> <i>Phocoena sinus</i>	
Eschrichtiidae	<i>Eschrichtius robustus</i> =320	
Balaenopteridae	<i>Balaenoptera acutorostrata</i> ** -101 <i>Balaenoptera borealis</i> <i>Balaenoptera edeni</i> <i>Balaenoptera musculus</i> <i>Balaenoptera physalus</i> <i>Megaptera novaeangliae</i>	
Balaenidae	<i>Balaena mysticetus</i> <i>Eubalaena</i> spp. =321	
Neobalaenidae	<i>Caperea marginata</i>	
CARNIVORA		
Canidae	<i>Canis lupus</i> ** +201	<i>Canis lupus</i> * -102 <i>Cerdocyon thous</i> =322 <i>Chrysocyon brachyurus</i> <i>Cuon alpinus</i>

Pseudalopex culpaeus =322
Pseudalopex griseus =323
Pseudalopex gymnocercus 322

Speothos venaticus

Vulpes cana
Vulpes zerda =324

Ursidae spp. *

Ursidae

Ailuropoda melanoleuca
Ailurus fulgens
Helarctos malayanus
Melursus ursinus
Tremarctos ornatus
Ursus arctos ** +202
Ursus arctos isabellinus
Ursus thibetanus =325

Mustelidae

Aonyx congicus ** +203 =326

Conepatus humboldtii

Enhydra lutris nereis
Lontra felina =327
Lontra longicaudis =328
Lontra provocax =327
Lutra lutra

Lutrinae spp. *

Mustela nigripes
Pteronura brasiliensis

Viverridae

Cryptoprocta ferox
Cynogale bennettii
Eupleres goudotii =329
Fossa fossana
Hemigalus derbyanus
Prionodon linsang

Hyaenidae

Prionodon pardicolor

Parahyaena brunnea =330

Felidae

Felidae spp. *

Acinonyx jubatus °502
Caracal caracal ** +204 =331
Catopuma temmincki =332
Felis nigripes
Herpailurus yagouaroundi ** +205 =332
Leopardus pardalis =332
Leopardus tigrinus =332
Leopardus wiedii =332
Lynx pardinus =333
Neofelis nebulosa
Oncifelis geoffroyi =332
Oreailurus jacobita =332
Panthera leo persica
Panthera onca
Panthera pardus
Panthera tigris
Pardofelis marmorata =332
Prionailurus bengalensis bengalensis **
+206 =332
Prionailurus planiceps =332
Prionailurus rubiginosus ** +207 332

	<i>Puma concolor coryi</i> =332	
	<i>Puma concolor costaricensis</i> =332	
	<i>Puma concolor couguar</i> =332	
	<i>Uncia uncia</i> =334	
Otariidae	<i>Arctocephalus townsendi</i>	<i>Arctocephalus</i> spp. *
Phocidae	<i>Monachus</i> spp.	<i>Mirounga leonina</i>
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

Axis porcinus annamiticus =339
Axis porcinus calamianensis =340
Axis porcinus kuhli =341
Blastocerus dichotomus
Dama mesopotamica =342
Cervus duvaucelii

Cervus elaphus bactrianus

Cervus elaphus hanglu
Cervus eldii
Hippocamelus spp.
Megamuntiacus vuquanghensis
Muntiacus crinifrons
Ozotoceros bezoarticus

Pudu mephistophiles

Pudu pudu

Antilocapridae

Antilocapra americana +212

Bovidae

Addax nasomaculatus

Ammotragus lervia

Bison bison athabascaae
Bos gaurus =343
Bos mutus =344 °501
Bos sauveli =345
Bubalus depressicornis =346
Bubalus mindorensis =346
Bubalus quarlesi =346

Budorcas taxicolor

Capra falconeri

Cephalophus dorsalis

Cephalophus jentinki

Cephalophus monticola
Cephalophus ogilbyi
Cephalophus silvicultor
Cephalophus zebra
Damaliscus pygargus dorcas
 =347

Gazella dama

Hippotragus niger variani

Kobus leche

Naemohedus baileyi =348
Naemohedus caudatus =348
Naemohedus goral
Naemohedus sumatraensis =349
Oryx dammah =350
Oryx leucoryx

Ovis ammon *

Ovis ammon hodgsonii

Ovis canadensis +212

Ovis orientalis ophion =351

Ovis vignei

Pantholops hodgsoni

Pseudoryx nghetinhensis

Rupicapra pyrenaica ornata =352

Saiga tatarica

AVES

STRUTHIONIFORMES

Struthionidae	<i>Struthio camelus</i> +213	
RHEIFORMES		
Rheidae	<i>Rhea pennata</i> = 353	<i>Rhea americana</i>
TINAMIFORMES		
Tinamidae	<i>Tinamus solitarius</i>	
SPHENISCIFORMES		
Spheniscidae	<i>Spheniscus humboldti</i>	<i>Spheniscus demersus</i>
PODICIPEDIFORMES		
Podicipedidae	<i>Podilymbus gigas</i>	
PROCELLARIIFORMES		
Diomedeidae	<i>Diomedea albatrus</i>	
PELECANIFORMES		
Pelecanidae	<i>Pelecanus crispus</i>	
Sulidae	<i>Papasula abbotti</i> =354	
Fregatidae	<i>Fregata andrewsi</i>	
CICONIIFORMES		
Balaenicipitidae		<i>Balaeniceps rex</i>
Ciconiidae	<i>Ciconia boyciana</i> =355	<i>Ciconia nigra</i>
	<i>Jabiru mycteria</i>	
	<i>Mycteria cinerea</i>	
Threskiornithidae		<i>Eudocimus ruber</i>
		<i>Geronticus calvus</i>
	<i>Geronticus eremita</i>	
	<i>Nipponia nippon</i>	
		<i>Platalea leucorodia</i>
Phoenicopteridae		Phoenicopteridae spp.
ANSERIFORMES		
Anatidae	<i>Anas aucklandica</i> =356	<i>Anas bernieri</i>
		<i>Anas formosa</i>
	<i>Anas laysanensis</i> =357	

Anas oustaleti =358
Branta canadensis leucopareia

Branta sandvicensis
Cairina scutulata

Rhodonessa caryophyllacea p.e.

Branta ruficollis

Coscoroba coscoroba
Cygnus melanocorypha
Dendrocygna arborea
Oxyura leucocephala

Sarkidiornis melanotos

FALCONIFORMES

Cathartidae

Gymnogyps californianus
Vultur gryphus

Accipitridae

Aquila adalberti =359
Aquila heliaca
Chondrohierax uncinatus wilsonii =360
Haliaeetus albicilla
Haliaeetus leucocephalus
Harpia harpyja

Falconidae

Pithecophaga jefferyi
Falco araea
Falco jugger
Falco newtoni +214
Falco pelegrinoides =361
Falco peregrinus
Falco punctatus
Falco rusticolus

GALLIFORMES

Megapodiidae

Macrocephalon maleo

Cracidae

Crax blumenbachii
Mitu mitu mitu =362
Oreophasis derbianus
Penelope albipennis
Pipile jacutinga =363
Pipile pipile pipile =363

Phasianidae

Catreus wallichii
Colinus virginianus ridgwayi
Crossoptilon crossoptilon
Crossoptilon harmani =364
Crossoptilon mantchuricum

Lophophorus impejanus
Lophophorus lhuysii
Lophophorus sclateri
Lophura edwardsi
Lophura imperialis
Lophura swinhoii

Argusianus argus

Gallus sonneratii
Ithaginis cruentus

Pavo muticus

FALCONIFORMES spp. *107

	<i>Polyplectron emphanum</i>	<i>Polyplectron bicalcaratum</i>
		<i>Polyplectron germaini</i>
		<i>Polyplectron malacense</i>
		<i>Polyplectron schleiermachersi</i>
		=365
	<i>Rheinardia ocellata</i> =366	
	<i>Syrmaticus ellioti</i>	
	<i>Syrmaticus humiae</i>	
	<i>Syrmaticus mikado</i>	
	<i>Tetraogallus caspius</i>	
	<i>Tetraogallus tibetanus</i>	
	<i>Tragopan blythii</i>	
	<i>Tragopan caboti</i>	
	<i>Tragopan melanocephalus</i>	
	<i>Tympanuchus cupido attwateri</i>	
GRUIFORMES		
Turnicidae		<i>Turnix melanogaster</i>
Pedionomidae		<i>Pedionomus torquatus</i>
Gruidae		Gruidae spp. *
	<i>Grus americana</i>	
	<i>Grus canadensis nesiotes</i>	
	<i>Grus canadensis pulla</i>	
	<i>Grus japonensis</i>	
	<i>Grus leucogeranus</i>	
	<i>Grus monacha</i>	
	<i>Grus nigricollis</i>	
	<i>Grus vipio</i>	
Rallidae		<i>Gallirallus australis hectori</i>
	<i>Gallirallus sylvestris</i> =367	
Rhynchotidae	<i>Rhynchotos jubatus</i>	
Otididae		Otididae spp. *
	<i>Ardeotis nigriceps</i> =368	
	<i>Chlamydotis undulata</i>	
	<i>Eupodotis bengalensis</i> =369	
CHARADRIIFORMES		
Scolopacidae	<i>Numenius borealis</i>	
	<i>Numenius tenuirostris</i>	
	<i>Tringa guttifer</i>	
Laridae	<i>Larus relictus</i>	
COLUMBIFORMES		
Columbidae	<i>Caloenas nicobarica</i>	<i>Gallicolumba luzonica</i>
	<i>Ducula mindorensis</i>	<i>Goura</i> 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 uterrimus
Psephotus chrysopterygius
Psephotus dissimilis =375
Psephotus pulcherrimus p.e.
Psittacula echo =376
Pyrrhura cruentata
Rhynchopsitta spp.
Strigops habroptilus

CUCULIFORMES

Musophagidae

Musophaga porphyreolophus
 =377
Tauraco spp.

STRIGIFORMES

STRIGIFORMES spp. *

Tytonidae

Tyto soumagnei

Strigidae

Athene blewitti
Mimizuku gurneyi =378
Ninox novaeseelandiae undulata =379
Ninox squamipila natalis

APODIFORMES

Trochilidae	<i>Rumphodon 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. *
	<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 Muscicapidae	<i>Pseudochelidon sirintarae</i> <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.
REPTILIA		
TESTUDINATA		
Dermatemydidae		<i>Dermatemys mawii</i>
Emydidae	<i>Butagur baska</i>	<i>Clemmys insculpta</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</i> spp. *
	<i>Terrapene coahuila</i>	
Testudinidae		Testudinidae spp. *
	<i>Geochelone nigra</i> =390	
	<i>Geochelone radiata</i> =391	
	<i>Geochelone yniphora</i> =391	
	<i>Gopherus flavomarginatus</i>	
	<i>Psammodromus geometricus</i> =391	
	<i>Testudo kleinmanni</i>	
Cheloniidae	Cheloniidae spp.	
Dermochelyidae	<i>Dermochelys coriacea</i>	
Trionychidae		<i>Lissemys punctata</i>
	<i>Trionyx ater</i> =392	
	<i>Trionyx gangeticus</i> =392	
	<i>Trionyx hurum</i> =392	
	<i>Trionyx nigricans</i> =392	
Pelomedusidae		<i>Erymnochelys</i>
<i>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> <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>Conolophus</i> spp. <i>Cyclura</i> spp.	<i>Amblyrhynchus cristatus</i> <i>Iguana</i> spp. <i>Phrynosoma coronatum</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>Crocodylurus 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 bengalensis</i> <i>Varanus flavescens</i> <i>Varanus griseus</i> <i>Varanus komodoensis</i>	<i>Varanus</i> spp. *
SERPENTES		
Boidae	<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>	Boidae spp. *
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 superciliaris</i> <i>Nectophrynoides</i> spp.	<i>Bufo retiformis</i>
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>	

PISCES

CERATODONTIFORMES

Ceratodontidae

Neoceratodus forsteri

COELACANTHIFORMES

Latimeriidae

Latimeria chalumnae

ACIPENSERIFORMES

Acipenseridae

*Acipenser brevirostrum**Acipenser oxyrhynchus**Acipenser sturio*

Polyodontidae

Polyodon spathula

OSTEOGLOSSIFORMES

Osteoglossidae

*Scleropages formosus**Arapaima gigas*

CYPRINIFORMES

Cyprinidae

*Probarbus jullieni**Caecobarbus geertsi*

Catostomidae

Chasmistes cujus

SILURIFORMES

Pangasiidae

Pangasianodon gigas

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 rangiana* =404*Epioblasma torulosa torulosa* =404*Epioblasma turgidula* =404*Epioblasma walkeri* =404*Fusconaia cuneolus**Fusconaia edgariana**Fusconaia subrotunda**Lampsilis brevicula**Lampsilis higginsii**Lampsilis orbiculata orbiculata**Lampsilis satur**Lampsilis virescens**Lexingtonia dolabelloides**Plethobasus cicatricosus**Plethobasus cooperianus**Pleurobema clava**Pleurobema plenum**Potamilus capax* =405*Quadrula intermedia**Quadrula sparsa*

Toxolasma cylindrella =406
Unio nickliniana =407
Unio tampicoensis tecomatensis =408
Villosa trabalis =409

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

HYDROZOA

MILLEPORINA Milleporidae Milleporidae spp. °505

STYLASTERINA

Stylasteridae Stylasteridae spp. °505

FLORA

AGAVACEAE *Agave arizonica*
Agave parviflora *Agave victoriae-reginae* #1
Nolina interrata

AMARYLLIDACEAE *Galanthus* spp. #1
Sternbergia spp. #1

APOCYNACEAE *Pachypodium* spp. * °506 #1
Pachypodium ambongense
Pachypodium baronii
Pachypodium decaryi

Rauwolfia serpentina #2

ARALIACEAE *Panax quinquefolius* #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 #2		<i>Podophyllum hexandrum</i> =412
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		<i>Byblis</i> spp. #1
CACTACEAE	<i>Ariocarpus</i> spp. <i>Astrophytum asterias</i> =413 <i>Aztekium ritteri</i> <i>Coryphantha werdermannii</i> <i>Discocactus</i> spp. <i>Disocactus macdougallii</i> =414 <i>Echinocereus ferreirianus</i> var. <i>lindsayi</i> =415 <i>Echinocereus schmollii</i> =416 <i>Escobaria minima</i> =417 <i>Escobaria sneedii</i> =417 <i>Mammillaria pectinifera</i> =418 <i>Mammillaria solisioides</i> <i>Melocactus conoideus</i> <i>Melocactus deinacanthus</i> <i>Melocactus glaucescens</i> <i>Melocactus paucispinus</i> <i>Obregonia denegrii</i> <i>Pachycereus militaris</i> =419 <i>Pediocactus bradyi</i> =420 <i>Pediocactus despainii</i> <i>Pediocactus knowltonii</i> =420 <i>Pediocactus paradinei</i> <i>Pediocactus peeblesianus</i> =420 <i>Pediocactus sileri</i> <i>Pediocactus winkleri</i> <i>Pelecypora</i> spp. <i>Sclerocactus brevihamatus</i> =421 <i>Sclerocactus erectocentrus</i> =422 <i>Sclerocactus glaucus</i> <i>Sclerocactus mariposensis</i> =422 <i>Sclerocactus mesae-verdae</i> <i>Sclerocactus papyracanthus</i> =423 <i>Sclerocactus pubispinus</i> <i>Sclerocactus wrightiae</i> <i>Strombocactus disciformis</i> <i>Turbinicarpus</i> spp. =424 <i>Uebelmannia</i> spp.	CACTACEAE spp. * #4
CARYOCARACEAE		<i>Caryocar costaricense</i> #1

CEPHALOTACEAE		<i>Cephalotus follicularis</i> #1
COMPOSITAE (ASTERACEAE)	<i>Saussurea costus</i> =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 DIDIEREACEAE		DICKSONIACEAE spp. #1 DIDIEREACEAE spp. #1
DIOSCOREACEAE		<i>Dioscorea deltoidea</i> #1
DROSERACEAE		<i>Dionaea muscipula</i> #1
ERICACEAE 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>Kalmia cuneata</i> #1 <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 albida</i> <i>Aloe albiflora</i> <i>Aloe alfredii</i> <i>Aloe bakeri</i> <i>Aloe bellatula</i> <i>Aloe calcairophila</i> <i>Aloe compressa</i> =429 <i>Aloe delphinensis</i>	<i>Aloe</i> spp. * -114 #1

	<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 parlatoresi</i>	
PORTULACACEAE		<i>Anacampseros</i> spp. #1
		<i>Lewisia cotyledon</i> #1
		<i>Lewisia maguirei</i> #1
		<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>Darlingtonia californica</i> #1

	<i>Sarracenia alabamensis</i> <i>alabamensis</i> =433 <i>Sarracenia jonesii</i> =434 <i>Sarracenia oreophila</i>	<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 ZAMIACEAE		<i>Welwitschia mirabilis</i> =437 #1 ZAMIACEAE spp. * #1
	<i>Ceratozamia</i> spp. <i>Chigua</i> spp. <i>Encephalartos</i> spp. <i>Microcycus calocoma</i>	
ZINGIBERACEAE		<i>Hedychium philippinense</i> #1
ZYGOPHYLLACEAE		<i>Guaiacum officinale</i> #1 <i>Guaiacum sanctum</i> #1

APPENDIX III

Valid from 16 November 1995

INTERPRETATION

- References to taxa higher than species are for the purpose of information or classification only.
- 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

- 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 *Hypochera 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 *Vampyrops lineatus* Uruguay

EDENTATA

Myrmecophagidae *Tamandua tetradactyla* =438 Guatemala
Megalonychidae *Choloepus hoffmanni* Costa Rica

Dasyopodidae *Cabassous centralis* Costa Rica
Cabassous tatouay =439 Uruguay

RODENTIA

Sciuridae *Epixerus ebii* Ghana
Marmota caudata India
Marmota himalayana India
Sciurus deppei Costa Rica

Anomaluridae *Anomalurus beecrofti* Ghana
Anomalurus derbianus Ghana
Anomalurus pelii Ghana
Idiurus macrotis Ghana

Hystriidae *Hystrix cristata* Ghana

Erethizontidae *Sphiggurus mexicanus* =440 Honduras
Sphiggurus spinosus =440 Uruguay

Agoutidae *Agouti paca* =441 Honduras

Dasyproctidae *Dasyprocta punctata* Honduras

CARNIVORA

Canidae *Canis aureus* India
Vulpes bengalensis India
Vulpes vulpes griffithi India
Vulpes vulpes montana India
Vulpes vulpes pusilla =442 India

Procyonidae *Bassaricyon gabbii* Costa Rica
Bassariscus sumichrasti Costa Rica
Nasua narica =443 Honduras
Nasua nasua solitaria Uruguay
Potos flavus Honduras

Mustelidae *Eira barbara* Honduras
Galictis vittata =444 Costa Rica
Martes flavigula =445 India
Martes foina intermedia India
Mellivora capensis 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 hinturong</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 oculea</i>	Malaysia
	<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	<i>Burhinus bistriatus</i>	Guatemala
COLUMBIFORMES		
Columbidae	<i>Columba guinea</i>	Ghana
	<i>Columba iriditorques</i> =462	Ghana
	<i>Columba livia</i>	Ghana
	<i>Columba mayeri</i> =463	Mauritius
	<i>Columba uncinata</i>	Ghana
	<i>Oena capensis</i>	Ghana
	<i>Streptopelia decipiens</i>	Ghana
	<i>Streptopelia roseogrisea</i>	Ghana
	<i>Streptopelia semitorquata</i>	Ghana

	<i>Streptopelia senegalensis</i>	Ghana
	<i>Streptopelia turtur</i>	Ghana
	<i>Streptopelia vinacea</i>	Ghana
	<i>Treron calva</i> =464	Ghana
	<i>Treron waalia</i>	Ghana
	<i>Turtur abyssinicus</i>	Ghana
	<i>Turtur afer</i>	Ghana
	<i>Turtur brehmeri</i> =465	Ghana
	<i>Turtur tympanistris</i> =466	Ghana
PSITTACIFORMES		
Psittacidae	<i>Psittacula krameri</i>	Ghana
CUCULIFORMES		
Musophagidae	<i>Corythaeola cristata</i>	Ghana
	<i>Crinifer piscator</i>	Ghana
	<i>Musophaga violacea</i>	Ghana
PICIFORMES		
Capitonidae	<i>Semnornis ramphastinus</i>	Colombia
Ramphastidae	<i>Bailloni</i> <i>bailloni</i>	Argentina
	<i>Pteroglossus castanotis</i>	Argentina
	<i>Ramphastos dicolorus</i>	Argentina
	<i>Selenidera maculirostris</i>	Argentina
PASSERIFORMES		
Cotingidae	<i>Cephalopterus ornatus</i>	Colombia
	<i>Cephalopterus penduliger</i>	Colombia
Muscicapidae	<i>Bebrornis rodericanus</i>	Mauritius
	<i>Terpsiphone bourbonensis</i> =467	Mauritius
Fringillidae	<i>Serinus canicapillus</i> =468	Ghana
	<i>Serinus leucopygius</i>	Ghana
	<i>Serinus mozambicus</i>	Ghana
Estrildidae	<i>Amadina fasciata</i>	Ghana
	<i>Amandava subflava</i> =469	Ghana
	<i>Estrilda astrild</i>	Ghana
	<i>Estrilda caerulescens</i>	Ghana
	<i>Estrilda melpoda</i>	Ghana
	<i>Estrilda troglodytes</i>	Ghana
	<i>Lagonosticta rara</i>	Ghana
	<i>Lagonosticta rubricata</i>	Ghana
	<i>Lagonosticta rufopicta</i>	Ghana
	<i>Lagonosticta senegala</i>	Ghana
	<i>Lagonosticta vinacea</i> =470	Ghana
	<i>Lonchura bicolor</i> =471	Ghana
	<i>Lonchura cantans</i> =472	Ghana
	<i>Lonchura cucullata</i> =471	Ghana
	<i>Lonchura fringilloides</i> =471	Ghana
	<i>Mandingoa nitidula</i> =473	Ghana
	<i>Nesocharis capistrata</i>	Ghana
	<i>Nigrita bicolor</i>	Ghana
	<i>Nigrita canicapilla</i>	Ghana

	<i>Nigrita fusconota</i>	Ghana
	<i>Nigrita luteifrons</i>	Ghana
	<i>Ortygospiza atricollis</i>	Ghana
	<i>Parmoptila rubrifrons</i> =474	Ghana
	<i>Pholidornis rushiae</i>	Ghana
	<i>Pyrenestes ostrinus</i> =475	Ghana
	<i>Pytilia hypogrammica</i>	Ghana
	<i>Pytilia phoenicoptera</i>	Ghana
	<i>Spermophaga haematina</i>	Ghana
	<i>Uraeginthus bengalus</i> =476	Ghana
Ploceidae	<i>Amblyospiza albifrons</i>	Ghana
	<i>Anaplectes rubriceps</i> =477	Ghana
	<i>Anomalospiza imberbis</i>	Ghana
	<i>Bubalornis albirostris</i>	Ghana
	<i>Euplectes afer</i>	Ghana
	<i>Euplectes ardens</i> =478	Ghana
	<i>Euplectes franciscanus</i> =479	Ghana
	<i>Euplectes hordeaceus</i>	Ghana
	<i>Euplectes macrourus</i> =480	Ghana
	<i>Malimbus cassini</i>	Ghana
	<i>Malimbus malimbicus</i>	Ghana
	<i>Malimbus nitens</i>	Ghana
	<i>Malimbus rubricollis</i>	Ghana
	<i>Malimbus scutatus</i>	Ghana
	<i>Pachyphantes superciliosus</i> =481	Ghana
	<i>Passer griseus</i>	Ghana
	<i>Petronia dentata</i>	Ghana
	<i>Plocepasser superciliosus</i>	Ghana
	<i>Ploceus albinucha</i>	Ghana
	<i>Ploceus aurantius</i>	Ghana
	<i>Ploceus cucullatus</i> =482	Ghana
	<i>Ploceus heuglini</i>	Ghana
	<i>Ploceus luteolus</i> =483	Ghana
	<i>Ploceus melanocephalus</i> =484	Ghana
	<i>Ploceus nigerrimus</i>	Ghana
	<i>Ploceus nigricollis</i>	Ghana
	<i>Ploceus pelzelni</i>	Ghana
	<i>Ploceus preussi</i>	Ghana
	<i>Ploceus tricolor</i>	Ghana
	<i>Ploceus vitellinus</i> =485	Ghana
	<i>Quelea erythrops</i>	Ghana
	<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	<i>Gracula religiosa</i>	Thailand
<u>REPTILIA</u>		
TESTUDINATA		
Trionychidae	<i>Trionyx triunguis</i>	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	<i>Gnetum montanum</i> #1	Nepal
MAGNOLIACEAE	<i>Talauma hodgsonii</i> #1	Nepal
MELIACEAE	<i>Swietenia macrophylla</i> +218 #5	Costa Rica
PAPAVERACEAE	<i>Meconopsis regia</i> #1	Nepal
PODOCARPACEAE	<i>Podocarpus nerifolius</i> #1	Nepal
TETRACENTRACEAE	<i>Tetracentron sinense</i> #1	Nepal

**CONVENTION ON THE CONSERVATION
OF MIGRATORY SPECIES OF WILD ANIMALS (1979)
With APPENDICES as AMENDED in 1985, 1988, 1991, 1994 and 1997**

Adopted at Bonn on 23 June 1979
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 1 INTERPRETATION

I. 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 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;
- h) "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 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

- 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 Depository. 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

Pontoporiidae *Pontoporia blainvillei*
 Balaenopteridae *Balaenoptera musculus*
 Megaptera novaeangliae
 Balaenidae *Balaena mysticetus*
 Eubalaena glacialis
 Eubalaena australis

CARNIVORA

Mustelidae *Lutra felina*
 Lutra provocax
 Felidae *Panthera uncia*

PINNIPEDIA

Phocidae *Monachus monachus**

PERISSODACTYLA

Equidae *Equus grevyi*

ARTIODACTYLA

Camelidae *Vicugna vicugna** (except Peruvian populations)
 Cervidae *Cervus elaphus barbarus*
 Hippocamelus bisulcus
 Bovidae *Bos sauveli*
 Bos grunniens
 Addax nasomaculatus
 Gazella cuvieri
 Gazella dama
 Gazella dorcas (only Northwest African populations)
 Gazella leptocerosa
 *Oryx dammah**

Aves**SPHENISCIFORMES**

Spheniscidae *Spheniscus humboldti*

PROCELLARIIFORMES

Diomedidae *Diomedea albatrus*
 Diomedea amsterdamensis
 Procellariidae *Pterodroma cahow*
 Pterodroma phaeopygia

PELECANIFORMES

Pelecanidae *Pelecanus crispus**
 *Pelecanus onocrotalus** (only Palearctic populations)

CICONIIFORMES

Ardeidae	<i>Egretta eulophotes</i>
Ciconiidae	<i>Ciconia boyciana</i>
Threskiornithidae	<i>Geronticus eremita</i>

PHOENICOPTERIFORMES

Phoenicopteridae	<i>Phoenicoparrus andinus*</i>
	<i>Phoenicoparrus jamesi*</i>

ANSERIFORMES

Anatidae	<i>Anser erythropus*</i>
	<i>Branta ruficollis*</i>
	<i>Chloephaga rubidiceps*</i>
	<i>Marmaronetta angustirostris*</i>
	<i>Aythya nyroca*</i>
	<i>Polysticta stelleri</i>
	<i>Oxyura leucocephala*</i>

FALCONIFORMES

Accipitridae	<i>Haliaeetus albicilla*</i>
	<i>Haliaeetus pelagicus*</i>
	<i>Aquila clanya*</i>
	<i>Aquila heliaca*</i>
Falconidae	<i>Falco naumanni*</i>

GRUIFORMES

Gruidae	<i>Grus japonensis*</i>
	<i>Grus leucogeranus*</i>
	<i>Grus nigricollis*</i>
Rallidae	<i>Sarothruru ayresi*</i>
Otididae	<i>Chlamydotis undulata*</i> (only Northwest African populations)
	<i>Otis tarda*</i> (Middle-European populations)

CHARADRIIFORMES

Charadriidae	<i>Chettusia gregaria*</i>
Scolopacidae	<i>Numenius borealis*</i>
	<i>Numenius tenuirostris*</i>
Laridae	<i>Larus atlanticus</i>
	<i>Larus audouinii</i>
	<i>Larus leucophthalmus*</i>
	<i>Larus relictus</i>
	<i>Larus saundersi</i>
Alcidae	<i>Synthliboramphus wumizusume</i>

PASSERIFORMES

Hirundinidae	<i>Hirundo atrocaerulea*</i>
Sylviidae	<i>Acrocephalus paludicola*</i>
Parulidae	<i>Dendroica kirtlandii</i>
Fringillidae	<i>Serinus syriacus</i>

Reptilia

TESTUDINATA

Cheloniidae	<i>Chelonia mydas*</i>
	<i>Caretta caretta*</i>
	<i>Eretmochelys imbricata*</i>
	<i>Lepidochelys kempii*</i>
	<i>Lepidochelys olivacea*</i>
Dermochelyidae	<i>Dermochelys coriacea*</i>
Pelomedusidae	<i>Podocnemis expansa*</i> (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 a designated part thereof. Unless otherwise indicated, where reference is made to a taxon higher than species, it is understood that all the migratory species within that taxon could significantly benefit from the conclusion of AGREEMENTS.
2. The abbreviation "spp." following the name of a Family Genus is used to denote all migratory species within that Family or Genus.
3. Other references to taxa higher than species are for the purpose of information or classification only.
4. The abbreviation "(s.l)" is used to denote that the scientific name is used in its extended meaning.
5. 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 (North and Baltic Sea, western North Atlantic and Black Sea populations)*
 Phocoena spinipinnis
 Phocoena dioptrica
 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)
Stenella attenuata (eastern tropical Pacific population)
Stenella longirostris (eastern tropical Pacific populations)
Stenella coeruleoalba (eastern tropical Pacific and Western Mediterranean populations)
Delphinus delphis (North and Baltic Sea, western Mediterranean, Black Sea and eastern tropical Pacific populations)
Orcaella brevirostris
Cephalorhynchus commersonii (South American populations)
Cephalorhynchus eutropia
Cephalorhynchus heavisidii
Delphinidae *Orcinus orca* (eastern North Atlantic and eastern North Pacific populations)
Globicephala melas (only North and Baltic Sea populations)
Ziphiidae *Beraardius bairdii*
Hyperoodon ampullatus
- PINNIPEDIA**
- Phocidae** *Phoca vitulina* (only Baltic and Wadden Sea populations)
Halichoerus grypus (only Baltic Sea populations)
*Monachus monachus**
- PROBOSCIDA**
- Elephantidae** *Loxodonta africana*
- SIRENIA**
- Dugongidae** *Dugong dugon*
- ARTIODACTYLA**
- Camelidae** *Vicugna vicugna**
- Bovidae** *Oryx dammah**
Gazella gazella (only Asian populations)
- Aves**
- SPHENISCIFORMES**
- Spheniscidae** *Spheniscus demersus*
- GAVIIFORMES**
- Gavidae** *Gavia stellata* (Western Palearctic populations)
Gavia arctica arctica
Gavia arctica suschkini (
Gavia immer immer (Northwestern European populations)
Gavia adamsii (Western Palearctic populations)
- PODICIPEDIFORMES**
- Podicipedidae** *Podiceps grisegena grisegena*
Podiceps auritus (Western Palearctic populations)
- PROCELLARIIFORMES**
- Diomedidae** *Diomedea exulans*
Diomedea epomophora
Diomedea irrorata
Diomedea nigripes
Diomedea immutabilis
Diomedea melanophris
Diomedea bulleri
Diomedea cauta
Diomedea chlororhynchus
Diomedea chrysostoma
Phoebastria fusca

Phoebetria palpebrata

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 surmii
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

Theskiornithidae *Plegadis falcinellus*
*Geronticus eremita**
Threskiornis aethiopicus aethiopicus
Platalea alba (excluding Malagasy populations)
Platalea leucorodia

Phoenicopteridae Ph.spp.*

ANSERIFORMES

Anatidae *A.spp.**

FALCONIFORMES

Cathartidae *C.spp.*
Pandionidae *Pandion haliaetus*
Accipitridae *A.spp.**
Falconidae *F.spp.**

GALLIFORMES

Phasianidae *Coturnix coturnix coturnix*

GRUIFORMES

Rallidae *Porzana porzana* (populations breeding in the Western Palearctic)
Porzana parva parva
Porzana pusilla intermedia
Fulica atra atra (Mediterranean and Black Sea populations)
Aenigmatolimnas marginalis
Crex crex
Sarothruru boehmi
Sarothruru ayresi

Gruidae *Grus spp.**
Anthropoides virgo

Otididae *Chlamydotis undulata** (only Asian populations)
*Otis tarda**

CHARADRIIFORMES

Dromadidae *dromas ardeola*
Charadriidae *C.spp.*
Scolopacidae *S.spp.**
Recurvirostridae *R.spp.*

Phalaropodidae	<i>P. spp.</i>
Burhinidae	<i>Burhinus oedicnemus</i>
Glareolidae	<i>Glareola pratincola</i> <i>Glareola nordmanni</i>
Laridae	<i>Larus hemprichii</i> <i>Larus leucophthalmus*</i> <i>Larus ichthyaetus</i> (West Eurasian and African populations) <i>Larus melanocephalus</i> <i>Larus genei</i> <i>Larus audouinii*</i> <i>Larus armenicus</i>
Sternidae	<i>Sterna nilotica nilotica</i> (West Eurasian and African populations) <i>Sterna maxima albidorsalis</i> <i>Sterna caspia</i> (West Eurasian and African populations) <i>Sterna bergii</i> (African and Southwest Asian populations) <i>Sterna bengalensis</i> (African and Southwest Asian populations) <i>Sterna sandvicensis sandvicensis</i> <i>Sterna dougallii</i> (Atlantic populations) <i>Sterna hirundo hirundo</i> (populations breeding in the Western Palearctic) <i>Sterna paradisaea</i> (Atlantic populations) <i>Sterna albifrons</i> <i>Sterna saundersi</i> <i>Sterna baluenerum</i> <i>Sterna repressa</i> <i>Chlidonias niger niger</i> <i>chlidonias leucopterus</i> (West Euroasian and African populations)

PSITTACIFORMES

Psittacidae	<i>Amazona tucumana</i>
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CORACIIFORMES

Meropidae	<i>Merops apiaster</i>
Caraciidae	<i>Coracias garrulus</i>

PASSERIFORMES

Muscicapidae	<i>M. (s.l.) spp.</i>
Hirundinidae	<i>Hirundo atricaerulea*</i>
Sylviidae	<i>Acrocephalus paludicola*</i>

Reptilia

TESTUDINATA

Cheloniidae	<i>C. spp.*</i>
Dermochelidae	<i>D. spp.*</i>
Pelomedusidae	<i>Podocnemis expansa*</i>

CROCODYLIA

Crocodylidae	<i>Crocodylus porosus</i>
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Pisces

ACIPENSERIFORMES

Acipenseridae	<i>Acipenser fulvescens</i>
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Insecta

LEPIDOPTERA

Danaidae	<i>Danaus plexippus</i>
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UNITED NATIONS CONVENTION ON THE LAW OF THE SEA
(Chapter 1 and 12)

Adopted at Montego Bay, Jamaica, 10 December 1982
Entered into force 16 November 1994

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 II 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 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 ecological 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, educe 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 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* OBLIGATION 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.

**AGREEMENT FOR THE IMPLEMENTATION OF THE PROVISIONS OF
THE UNITED NATIONS CONVENTION ON THE LAW OF THE SEA
OF 10 DECEMBER 1982 RELATING TO THE CONSERVATION AND
MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY
MIGRATORY FISH STOCKS**

**Adopted at New York, 4 August 1995
Not yet in force**

PREAMBLE

The States Parties to this Agreement,

Recalling the relevant provisions of the United Nations Convention on the Law of the Sea of 10 December 1982,

Determined to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks,

Resolved to improve cooperation between States to that end,

Calling for more effective enforcement by flag States, port States and coastal States of the conservation and management measures adopted for such stocks,

Seeking to address in particular the problems identified in chapter 17, programme area C, of Agenda 21 adopted by the United Nations Conference on Environment and Development, namely, that the management of high seas fisheries is inadequate in many areas and that some resources are overutilized; noting that there are problems of unregulated fishing, over-capitalization, excessive fleet size, vessel reflagging to escape controls, insufficiently selective gear, unreliable databases and lack of sufficient cooperation between States,

Committing themselves to responsible fisheries,

Conscious of the need to avoid adverse impacts on the marine environment, preserve biodiversity, maintain the integrity of marine ecosystems and minimize the risk of long-term or irreversible effects of fishing operations,

Recognizing the need for specific assistance, including financial, scientific and technological assistance, in order that developing States can participate effectively in the conservation, management and sustainable use of straddling fish stocks and highly migratory fish stocks,

Convinced that an agreement for the implementation of the relevant provisions of the Convention would best serve these purposes and contribute to the maintenance of international peace and security,

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

Have agreed as follows:

**PART I:
GENERAL PROVISIONS**

Article 1 **USE OF TERMS AND SCOPE**

1. For the purposes of this Agreement:

(a) "Convention" means the United Nations Convention on the Law of the Sea of 10 December 1982;

(b) "conservation and management measures" means measures to conserve and manage one or more species of living marine resources that are adopted and applied consistent with the relevant rules of international law as reflected in the Convention and this Agreement;

(c) "fish" includes molluscs and crustaceans except those belonging to sedentary species as defined in Article 77 of the Convention; and

(d) "arrangement" means a cooperative mechanism established in accordance with the Convention and this Agreement by two or more States for the purpose, inter alia, of establishing conservation and management measures in a subregion or region for one or more straddling fish stocks or highly migratory fish stocks.

2. (a) "States Parties" means States which have consented to be bound by this Agreement and for which the Agreement is in force.

(b) This Agreement applies mutatis mutandis:

(i) to any entity referred to in Article 305, paragraph 1 (c), (d) and (e), of the Convention and

(ii) subject to Article 47, to any entity referred to as an "international organization" in Annex IX, Article 1, of the Convention

which becomes a Party to this Agreement, and to that extent "States Parties" refers to those entities.

3. This Agreement applies mutatis mutandis to other fishing entities whose vessels fish on the high seas.

Article 2 OBJECTIVE

The objective of this Agreement is to ensure the long-term conservation and sustainable use of straddling fish stocks and highly migratory fish stocks through effective implementation of the relevant provisions of the Convention.

Article 3 APPLICATION

1. Unless otherwise provided, this Agreement applies to the conservation and management of straddling fish stocks and highly migratory fish stocks beyond areas under national jurisdiction, except that Articles 6 and 7 apply also to the conservation and management of such stocks within areas under national jurisdiction, subject to the different legal regimes that apply within areas under national jurisdiction and in areas beyond national jurisdiction as provided for in the Convention.

2. In the exercise of its sovereign rights for the purpose of exploring and exploiting, conserving and managing straddling fish stocks and highly migratory fish stocks within areas under national jurisdiction, the coastal State shall apply mutatis mutandis the general principles enumerated in Article 5.

3. States shall give due consideration to the respective capacities of developing States to apply Articles 5, 6 and 7 within areas under national jurisdiction and their need for assistance as provided for in this Agreement. To this end, Part VII applies mutatis mutandis in respect of areas under national jurisdiction.

Article 4 RELATIONSHIP BETWEEN THIS AGREEMENT AND THE CONVENTION

Nothing in this Agreement shall prejudice the rights, jurisdiction and duties of States under the Convention. This Agreement shall be interpreted and applied in the context of and in a manner consistent with the Convention.

PART II
CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY
MIGRATORY FISH STOCKS

Article 5 GENERAL PRINCIPLES

In order to conserve and manage straddling fish stocks and highly migratory fish stocks, coastal States and States fishing on the high seas shall, in giving effect to their duty to cooperate in accordance with the Convention:

- (a) adopt measures to ensure long-term sustainability of straddling fish stocks and highly migratory fish stocks and promote the objective of their optimum utilization;
- (b) ensure that such measures are based on the best scientific evidence available and are designed to maintain or restore stocks at levels capable of producing maximum sustainable yield, as qualified by relevant environmental and economic factors, including the special requirements of developing States, and taking into account fishing patterns, the interdependence of stocks and any generally recommended international minimum standards, whether subregional, regional or global;
- (c) apply the precautionary approach in accordance with Article 6;
- (d) assess the impacts of fishing, other human activities and environmental factors on target stocks and species belonging to the same ecosystem or associated with or dependent upon the target stocks;
- (e) adopt, where necessary, conservation and management measures for species belonging to the same ecosystem or associated with or dependent upon the target stocks, with a view to maintaining or restoring populations of such species above levels at which their reproduction may become seriously threatened;
- (f) minimize pollution, waste, discards, catch by lost or abandoned gear, catch of non-target species, both fish and non-fish species, (hereinafter referred to as non-target species) and impacts on associated or dependent species, in particular endangered species, through measures including, to the extent practicable, the development and use of selective, environmentally safe and cost-effective fishing gear and techniques;
- (g) protect biodiversity in the marine environment;
- (h) take measures to prevent or eliminate overfishing and excess fishing capacity and to ensure that levels of fishing effort do not exceed those commensurate with the sustainable use of fishery resources;
- (i) take into account the interests of artisanal and subsistence fishers;
- (j) collect and share, in a timely manner, complete and accurate data concerning fishing activities on, inter alia, vessel position, catch of target and non-target species and fishing effort, as set out in Annex I, as well as information from national and international research programmes;
- (k) promote and conduct scientific research and develop appropriate technologies in support of fishery conservation and management; and
- (l) implement and enforce conservation and management measures through effective monitoring, control and surveillance.

Article 6 APPLICATION OF THE PRECAUTIONARY APPROACH

1. States shall apply the precautionary approach widely to conservation, management and exploitation of straddling fish stocks and highly migratory fish stocks in order to protect the living marine resources and preserve the marine environment.

2. States shall be more cautious when information is uncertain, unreliable or inadequate. The absence of adequate scientific information shall not be used as a reason for postponing or failing to take conservation and management measures.

3. In implementing the precautionary approach, States shall:

(a) improve decision-making for fishery resource conservation and management by obtaining and sharing the best scientific information available and implementing improved techniques for dealing with risk and uncertainty;

(b) apply the guidelines set out in Annex II and determine, on the basis of the best scientific information available, stock-specific reference points and the action to be taken if they are exceeded;

(c) take into account, inter alia, uncertainties relating to the size and productivity of the stocks, reference points, stock condition in relation to such reference points, levels and distribution of fishing mortality and the impact of fishing activities on non-target and associated or dependent species, as well as existing and predicted oceanic, environmental and socio-economic conditions; and

(d) develop data collection and research programmes to assess the impact of fishing on non-target and associated or dependent species and their environment, and adopt plans which are necessary to ensure the conservation of such species and to protect habitats of special concern.

4. States shall take measures to ensure that, when reference points are approached, they will not be exceeded. In the event that they are exceeded, States shall, without delay, take the action determined under paragraph 3 (b) to restore the stocks.

5. Where the status of target stocks or non-target or associated or dependent species is of concern, States shall subject such stocks and species to enhanced monitoring in order to review their status and the efficacy of conservation and management measures. They shall revise those measures regularly in the light of new information.

6. For new or exploratory fisheries, States shall adopt as soon as possible cautious conservation and management measures, including, inter alia, catch limits and effort limits. Such measures shall remain in force until there are sufficient data to allow assessment of the impact of the fisheries on the long-term sustainability of the stocks, whereupon conservation and management measures based on that assessment shall be implemented. The latter measures shall, if appropriate, allow for the gradual development of the fisheries.

7. If a natural phenomenon has a significant adverse impact on the status of straddling fish stocks or highly migratory fish stocks, States shall adopt conservation and management measures on an emergency basis to ensure that fishing activity does not exacerbate such adverse impact. States shall also adopt such measures on an emergency basis where fishing activity presents a serious threat to the sustainability of such stocks. Measures taken on an emergency basis shall be temporary and shall be based on the best scientific evidence available.

Article 7 COMPATIBILITY OF CONSERVATION AND MANAGEMENT MEASURES

1. Without prejudice to the sovereign rights of coastal States for the purpose of exploring and exploiting, conserving and managing the living marine resources within areas under national jurisdiction as provided for in the Convention, and the right of all States for their nationals to engage in fishing on the high seas in accordance with the Convention:

(a) with respect to straddling fish stocks, the relevant coastal States and the States whose nationals fish for such stocks in the adjacent high seas area shall seek, either directly or through the appropriate mechanisms for cooperation provided for in Part III, to agree upon the measures necessary for the conservation of these stocks in the adjacent high seas area;

(b) with respect to highly migratory fish stocks, the relevant coastal States and other States whose nationals fish for such stocks in the region shall cooperate, either directly or through the appropriate mechanisms for

cooperation provided for in Part III, with a view to ensuring conservation and promoting the objective of optimum utilization of such stocks throughout the region, both within and beyond the areas under national jurisdiction.

2. Conservation and management measures established for the high seas and those adopted for areas under national jurisdiction shall be compatible in order to ensure conservation and management of the straddling fish stocks and highly migratory fish stocks in their entirety. To this end, coastal States and States fishing on the high seas have a duty to cooperate for the purpose of achieving compatible measures in respect of such stocks. In determining compatible conservation and management measures, States shall:

(a) take into account the conservation and management measures adopted and applied in accordance with Article 61 of the Convention in respect of the same stocks by coastal States within areas under national jurisdiction and ensure that measures established in respect of such stocks for the high seas do not undermine the effectiveness of such measures;

(b) take into account previously agreed measures established and applied for the high seas in accordance with the Convention in respect of the same stocks by relevant coastal States and States fishing on the high seas;

(c) take into account previously agreed measures established and applied in accordance with the Convention in respect of the same stocks by a subregional or regional fisheries management organization or arrangement;

(d) take into account the biological unity and other biological characteristics of the stocks and the relationships between the distribution of the stocks, the fisheries and the geographical particularities of the region concerned, including the extent to which the stocks occur and are fished in areas under national jurisdiction;

(e) take into account the respective dependence of the coastal States and the States fishing on the high seas on the stocks concerned; and

(f) ensure that such measures do not result in harmful impact on the living marine resources as a whole.

3. In giving effect to their duty to cooperate, States shall make every effort to agree on compatible conservation and management measures within a reasonable period of time.

4. If no agreement can be reached within a reasonable period of time, any of the States concerned may invoke the procedures for the settlement of disputes provided for in Part VIII.

5. Pending agreement on compatible conservation and management measures, the States concerned, in a spirit of understanding and cooperation, shall make every effort to enter into provisional arrangements of a practical nature. In the event that they are unable to agree on such arrangements, any of the States concerned may, for the purpose of obtaining provisional measures, submit the dispute to a court or tribunal in accordance with the procedures for the settlement of disputes provided for in Part VIII.

6. Provisional arrangements or measures entered into or prescribed pursuant to paragraph 5 shall take into account the provisions of this Part, shall have due regard to the rights and obligations of all States concerned, shall not jeopardize or hamper the reaching of final agreement on compatible conservation and management measures and shall be without prejudice to the final outcome of any dispute settlement procedure.

7. Coastal States shall regularly inform States fishing on the high seas in the subregion or region, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, or through other appropriate means, of the measures they have adopted for straddling fish stocks and highly migratory fish stocks within areas under their national jurisdiction.

8. States fishing on the high seas shall regularly inform other interested States, either directly or through appropriate subregional or regional fisheries management organizations or arrangements, or through other appropriate means, of the measures they have adopted for regulating the activities of vessels flying their flag which fish for such stocks on the high seas.

PART III

MECHANISMS FOR INTERNATIONAL COOPERATION CONCERNING STRADDLING FISH STOCKS AND HIGHLY MIGRATORY FISH STOCKS

Article 8 COOPERATION FOR CONSERVATION AND MANAGEMENT

1. Coastal States and States fishing on the high seas shall, in accordance with the Convention, pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks either directly or through appropriate subregional or regional fisheries management organizations or arrangements, taking into account the specific characteristics of the subregion or region, to ensure effective conservation and management of such stocks.

2. States shall enter into consultations in good faith and without delay, particularly where there is evidence that the straddling fish stocks and highly migratory fish stocks concerned may be under threat of over-exploitation or where a new fishery is being developed for such stocks. To this end, consultations may be initiated at the request of any interested State with a view to establishing appropriate arrangements to ensure conservation and management of the stocks. Pending agreement on such arrangements, States shall observe the provisions of this Agreement and shall act in good faith and with due regard to the rights, interests and duties of other States.

3. Where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for particular straddling fish stocks or highly migratory fish stocks, States fishing for the stocks on the high seas and relevant coastal States shall give effect to their duty to cooperate by becoming members of such organization or participants in such arrangement, or by agreeing to apply the conservation and management measures established by such organization or arrangement. States having a real interest in the fisheries concerned may become members of such organization or participants in such arrangement. The terms of participation in such organization or arrangement shall not preclude such States from membership or participation; nor shall they be applied in a manner which discriminates against any State or group of States having a real interest in the fisheries concerned.

4. Only those States which are members of such an organization or participants in such an arrangement, or which agree to apply the conservation and management measures established by such organization or arrangement, shall have access to the fishery resources to which those measures apply.

5. Where there is no subregional or regional fisheries management organization or arrangement to establish conservation and management measures for a particular straddling fish stock or highly migratory fish stock, relevant coastal States and States fishing on the high seas for such stock in the subregion or region shall cooperate to establish such an organization or enter into other appropriate arrangements to ensure conservation and management of such stock and shall participate in the work of the organization or arrangement.

6. Any State intending to propose that action be taken by an intergovernmental organization having competence with respect to living resources should, where such action would have a significant effect on conservation and management measures already established by a competent subregional or regional fisheries management organization or arrangement, consult through that organization or arrangement with its members or participants. To the extent practicable, such consultation should take place prior to the submission of the proposal to the intergovernmental organization.

Article 9 SUBREGIONAL AND REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS AND ARRANGEMENTS

1. In establishing subregional or regional fisheries management organizations or in entering into subregional or regional fisheries management arrangements for straddling fish stocks and highly migratory fish stocks, States shall agree, *inter alia*, on:

(a) the stocks to which conservation and management measures apply, taking into account the biological characteristics of the stocks concerned and the nature of the fisheries involved;

- (b) the area of application, taking into account Article 7, paragraph 1, and the characteristics of the subregion or region, including socio-economic, geographical and environmental factors;
- (c) the relationship between the work of the new organization or arrangement and the role, objectives and operations of any relevant existing fisheries management organizations or arrangements; and
- (d) the mechanisms by which the organization or arrangement will obtain scientific advice and review the status of the stocks, including, where appropriate, the establishment of a scientific advisory body.

2. States cooperating in the formation of a subregional or regional fisheries management organization or arrangement shall inform other States which they are aware have a real interest in the work of the proposed organization or arrangement of such cooperation.

Article 10 FUNCTIONS OF SUBREGIONAL AND REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS AND ARRANGEMENTS

In fulfilling their obligation to cooperate through subregional or regional fisheries management organizations or arrangements, States shall:

- (a) agree on and comply with conservation and management measures to ensure the long-term sustainability of straddling fish stocks and highly migratory fish stocks;
- (b) agree, as appropriate, on participatory rights such as allocations of allowable catch or levels of fishing effort;
- (c) adopt and apply any generally recommended international minimum standards for the responsible conduct of fishing operations;
- (d) obtain and evaluate scientific advice, review the status of the stocks and assess the impact of fishing on non-target and associated or dependent species;
- (e) agree on standards for collection, reporting, verification and exchange of data on fisheries for the stocks;
- (f) compile and disseminate accurate and complete statistical data, as described in Annex I, to ensure that the best scientific evidence is available, while maintaining confidentiality where appropriate;
- (g) promote and conduct scientific assessments of the stocks and relevant research and disseminate the results thereof;
- (h) establish appropriate cooperative mechanisms for effective monitoring, control, surveillance and enforcement;
- (i) agree on means by which the fishing interests of new members of the organization or new participants in the arrangement will be accommodated;
- (j) agree on decision-making procedures which facilitate the adoption of conservation and management measures in a timely and effective manner;
- (k) promote the peaceful settlement of disputes in accordance with Part VIII;
- (l) ensure the full cooperation of their relevant national agencies and industries in implementing the recommendations and decisions of the organization or arrangement; and
- (m) give due publicity to the conservation and management measures established by the organization or arrangement.

Article 11 NEW MEMBERS OR PARTICIPANTS

In determining the nature and extent of participatory rights for new members of a subregional or regional fisheries management organization, or for new participants in a subregional or regional fisheries management arrangement, States shall take into account, *inter alia*:

- (a) the status of the straddling fish stocks and highly migratory fish stocks and the existing level of fishing effort in the fishery;
- (b) the respective interests, fishing patterns and fishing practices of new and existing members or participants;
- (c) the respective contributions of new and existing members or participants to conservation and management of the stocks, to the collection and provision of accurate data and to the conduct of scientific research on the stocks;
- (d) the needs of coastal fishing communities which are dependent mainly on fishing for the stocks;
- (e) the needs of coastal States whose economies are overwhelmingly dependent on the exploitation of living marine resources; and
- (f) the interests of developing States from the subregion or region in whose areas of national jurisdiction the stocks also occur.

Article 12 TRANSPARENCY IN ACTIVITIES OF SUBREGIONAL AND REGIONAL FISHERIES MANAGEMENT ORGANIZATIONS AND ARRANGEMENTS

1. States shall provide for transparency in the decision-making process and other activities of subregional and regional fisheries management organizations and arrangements.
2. Representatives from other intergovernmental organizations and representatives from non-governmental organizations concerned with straddling fish stocks and highly migratory fish stocks shall be afforded the opportunity to take part in meetings of subregional and regional fisheries management organizations and arrangements as observers or otherwise, as appropriate, in accordance with the procedures of the organization or arrangement concerned. Such procedures shall not be unduly restrictive in this respect. Such intergovernmental organizations and non-governmental organizations shall have timely access to the records and reports of such organizations and arrangements, subject to the procedural rules on access to them.

Article 13 STRENGTHENING OF EXISTING ORGANIZATIONS AND ARRANGEMENTS

States shall cooperate to strengthen existing subregional and regional fisheries management organizations and arrangements in order to improve their effectiveness in establishing and implementing conservation and management measures for straddling fish stocks and highly migratory fish stocks.

Article 14 COLLECTION AND PROVISION OF INFORMATION AND COOPERATION IN SCIENTIFIC RESEARCH

1. States shall ensure that fishing vessels flying their flag provide such information as may be necessary in order to fulfil their obligations under this Agreement. To this end, States shall in accordance with Annex I:
 - (a) collect and exchange scientific, technical and statistical data with respect to fisheries for straddling fish stocks and highly migratory fish stocks;
 - (b) ensure that data are collected in sufficient detail to facilitate effective stock assessment and are provided in a timely manner to fulfil the requirements of subregional or regional fisheries management organizations or arrangements; and

(c) take appropriate measures to verify the accuracy of such data.

2. States shall cooperate, either directly or through subregional or regional fisheries management organizations or arrangements:

(a) to agree on the specification of data and the format in which they are to be provided to such organizations or arrangements, taking into account the nature of the stocks and the fisheries for those stocks; and

(b) to develop and share analytical techniques and stock assessment methodologies to improve measures for the conservation and management of straddling fish stocks and highly migratory fish stocks.

3. Consistent with Part XIII of the Convention, States shall cooperate, either directly or through competent international organizations, to strengthen scientific research capacity in the field of fisheries and promote scientific research related to the conservation and management of straddling fish stocks and highly migratory fish stocks for the benefit of all. To this end, a State or the competent international organization conducting such research beyond areas under national jurisdiction shall actively promote the publication and dissemination to any interested States of the results of that research and information relating to its objectives and methods and, to the extent practicable, shall facilitate the participation of scientists from those States in such research.

Article 15 ENCLOSED AND SEMI-ENCLOSED SEAS

In implementing this Agreement in an enclosed or semi-enclosed sea, States shall take into account the natural characteristics of that sea and shall also act in a manner consistent with Part IX of the Convention and other relevant provisions thereof.

Article 16 AREAS OF HIGH SEAS SURROUNDED ENTIRELY BY AN AREA UNDER THE NATIONAL JURISDICTION OF A SINGLE STATE

1. States fishing for straddling fish stocks and highly migratory fish stocks in an area of the high seas surrounded entirely by an area under the national jurisdiction of a single State and the latter State shall cooperate to establish conservation and management measures in respect of those stocks in the high seas area. Having regard to the natural characteristics of the area, States shall pay special attention to the establishment of compatible conservation and management measures for such stocks pursuant to Article 7. Measures taken in respect of the high seas shall take into account the rights, duties and interests of the coastal State under the Convention, shall be based on the best scientific evidence available and shall also take into account any conservation and management measures adopted and applied in respect of the same stocks in accordance with Article 61 of the Convention by the coastal State in the area under national jurisdiction. States shall also agree on measures for monitoring, control, surveillance and enforcement to ensure compliance with the conservation and management measures in respect of the high seas.

2. Pursuant to Article 8, States shall act in good faith and make every effort to agree without delay on conservation and management measures to be applied in the carrying out of fishing operations in the area referred to in paragraph 1. If, within a reasonable period of time, the fishing States concerned and the coastal State are unable to agree on such measures, they shall, having regard to paragraph 1, apply Article 7, paragraphs 4, 5 and 6, relating to provisional arrangements or measures. Pending the establishment of such provisional arrangements or measures, the States concerned shall take measures in respect of vessels flying their flag in order that they not engage in fisheries which could undermine the stocks concerned.

PART IV NON-MEMBERS AND NON-PARTICIPANTS

Article 17 NON-MEMBERS OF ORGANIZATIONS AND NON-PARTICIPANTS IN ARRANGEMENTS

1. A State which is not a member of a subregional or regional fisheries management organization or is not a participant in a subregional or regional fisheries management arrangement, and which does not otherwise

agree to apply the conservation and management measures established by such organization or arrangement, is not discharged from the obligation to cooperate, in accordance with the Convention and this Agreement, in the conservation and management of the relevant straddling fish stocks and highly migratory fish stocks.

2. Such State shall not authorize vessels flying its flag to engage in fishing operations for the straddling fish stocks or highly migratory fish stocks which are subject to the conservation and management measures established by such organization or arrangement.

3. States which are members of a subregional or regional fisheries management organization or participants in a subregional or regional fisheries management arrangement shall, individually or jointly, request the fishing entities referred to in Article 1, paragraph 3, which have fishing vessels in the relevant area to cooperate fully with such organization or arrangement in implementing the conservation and management measures it has established, with a view to having such measures applied *de facto* as extensively as possible to fishing activities in the relevant area. Such fishing entities shall enjoy benefits from participation in the fishery commensurate with their commitment to comply with conservation and management measures in respect of the stocks.

4. States which are members of such organization or participants in such arrangement shall exchange information with respect to the activities of fishing vessels flying the flags of States which are neither members of the organization nor participants in the arrangement and which are engaged in fishing operations for the relevant stocks. They shall take measures consistent with this Agreement and international law to deter activities of such vessels which undermine the effectiveness of subregional or regional conservation and management measures.

PART V DUTIES OF THE FLAG STATE

Article 18 DUTIES OF THE FLAG STATE

1. A State whose vessels fish on the high seas shall take such measures as may be necessary to ensure that vessels flying its flag comply with subregional and regional conservation and management measures and that such vessels do not engage in any activity which undermines the effectiveness of such measures.

2. A State shall authorize the use of vessels flying its flag for fishing on the high seas only where it is able to exercise effectively its responsibilities in respect of such vessels under the Convention and this Agreement.

3. Measures to be taken by a State in respect of vessels flying its flag shall include:

(a) control of such vessels on the high seas by means of fishing licences, authorizations or permits, in accordance with any applicable procedures agreed at the subregional, regional or global level;

(b) establishment of regulations:

(i) to apply terms and conditions to the licence, authorization or permit sufficient to fulfil any subregional, regional or global obligations of the flag State;

(ii) to prohibit fishing on the high seas by vessels which are not duly licensed or authorized to fish, or fishing on the high seas by vessels otherwise than in accordance with the terms and conditions of a licence, authorization or permit;

(iii) to require vessels fishing on the high seas to carry the licence, authorization or permit on board at all times and to produce it on demand for inspection by a duly authorized person; and

(iv) to ensure that vessels flying its flag do not conduct unauthorized fishing within areas under the national jurisdiction of other States;

- (c) establishment of a national record of fishing vessels authorized to fish on the high seas and provision of access to the information contained in that record on request by directly interested States, taking into account any national laws of the flag State regarding the release of such information;
 - (d) requirements for marking of fishing vessels and fishing gear for identification in accordance with uniform and internationally recognizable vessel and gear marking systems, such as the Food and Agriculture Organization of the United Nations Standard Specifications for the Marking and Identification of Fishing Vessels;
 - (e) requirements for recording and timely reporting of vessel position, catch of target and non-target species, fishing effort and other relevant fisheries data in accordance with subregional, regional and global standards for collection of such data;
 - (f) requirements for verifying the catch of target and non-target species through such means as observer programmes, inspection schemes, unloading reports, supervision of transshipment and monitoring of landed catches and market statistics;
 - (g) monitoring, control and surveillance of such vessels, their fishing operations and related activities by, inter alia:
 - (i) the implementation of national inspection schemes and subregional and regional schemes for cooperation in enforcement pursuant to Articles 21 and 22, including requirements for such vessels to permit access by duly authorized inspectors from other States;
 - (ii) the implementation of national observer programmes and subregional and regional observer programmes in which the flag State is a participant, including requirements for such vessels to permit access by observers from other States to carry out the functions agreed under the programmes; and
 - (iii) the development and implementation of vessel monitoring systems, including, as appropriate, satellite transmitter systems, in accordance with any national programmes and those which have been subregionally, regionally or globally agreed among the States concerned;
 - (h) regulation of transshipment on the high seas to ensure that the effectiveness of conservation and management measures is not undermined; and
 - (i) regulation of fishing activities to ensure compliance with subregional, regional or global measures, including those aimed at minimizing catches of non-target species.
4. Where there is a subregionally, regionally or globally agreed system of monitoring, control and surveillance in effect, States shall ensure that the measures they impose on vessels flying their flag are compatible with that system.

PART VI COMPLIANCE AND ENFORCEMENT

Article 19 COMPLIANCE AND ENFORCEMENT BY THE FLAG STATE

1. A State shall ensure compliance by vessels flying its flag with subregional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks. To this end, that State shall:
- (a) enforce such measures irrespective of where violations occur;
 - (b) investigate immediately and fully any alleged violation of subregional or regional conservation and management measures, which may include the physical inspection of the vessels concerned, and report

promptly to the State alleging the violation and the relevant subregional or regional organization or arrangement on the progress and outcome of the investigation;

(c) require any vessel flying its flag to give information to the investigating authority regarding vessel position, catches, fishing gear, fishing operations and related activities in the area of an alleged violation;

(d) if satisfied that sufficient evidence is available in respect of an alleged violation, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned; and

(e) ensure that, where it has been established, in accordance with its laws, a vessel has been involved in the commission of a serious violation of such measures, the vessel does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with.

2. All investigations and judicial proceedings shall be carried out expeditiously. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities. Measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, *inter alia*, refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels.

Article 20 INTERNATIONAL COOPERATION IN ENFORCEMENT

1. States shall cooperate, either directly or through subregional or regional fisheries management organizations or arrangements, to ensure compliance with and enforcement of subregional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks.

2. A flag State conducting an investigation of an alleged violation of conservation and management measures for straddling fish stocks or highly migratory fish stocks may request the assistance of any other State whose cooperation may be useful in the conduct of that investigation. All States shall endeavour to meet reasonable requests made by a flag State in connection with such investigations.

3. A flag State may undertake such investigations directly, in cooperation with other interested States or through the relevant subregional or regional fisheries management organization or arrangement. Information on the progress and outcome of the investigations shall be provided to all States having an interest in, or affected by, the alleged violation.

4. States shall assist each other in identifying vessels reported to have engaged in activities undermining the effectiveness of subregional, regional or global conservation and management measures.

5. States shall, to the extent permitted by national laws and regulations, establish arrangements for making available to prosecuting authorities in other States evidence relating to alleged violations of such measures.

6. Where there are reasonable grounds for believing that a vessel on the high seas has been engaged in unauthorized fishing within an area under the jurisdiction of a coastal State, the flag State of that vessel, at the request of the coastal State concerned, shall immediately and fully investigate the matter. The flag State shall cooperate with the coastal State in taking appropriate enforcement action in such cases and may authorize the relevant authorities of the coastal State to board and inspect the vessel on the high seas. This paragraph is without prejudice to Article 111 of the Convention.

7. States Parties which are members of a subregional or regional fisheries management organization or participants in a subregional or regional fisheries management arrangement may take action in accordance with international law, including through recourse to subregional or regional procedures established for this purpose, to deter vessels which have engaged in activities which undermine the effectiveness of or otherwise violate the conservation and management measures established by that organization or arrangement from fishing on the high seas in the subregion or region until such time as appropriate action is taken by the flag State.

Article 21 SUBREGIONAL AND REGIONAL COOPERATION IN ENFORCEMENT

1. In any high seas area covered by a subregional or regional fisheries management organization or arrangement, a State Party which is a member of such organization or a participant in such arrangement may, through its duly authorized inspectors, board and inspect, in accordance with paragraph 2, fishing vessels flying the flag of another State Party to this Agreement, whether or not such State Party is also a member of the organization or a participant in the arrangement, for the purpose of ensuring compliance with conservation and management measures for straddling fish stocks and highly migratory fish stocks established by that organization or arrangement.

2. States shall establish, through subregional or regional fisheries management organizations or arrangements, procedures for boarding and inspection pursuant to paragraph 1, as well as procedures to implement other provisions of this Article. Such procedures shall be consistent with this Article and the basic procedures set out in Article 22 and shall not discriminate against non-members of the organization or non-participants in the arrangement. Boarding and inspection as well as any subsequent enforcement action shall be conducted in accordance with such procedures. States shall give due publicity to procedures established pursuant to this paragraph.

3. If, within two years of the adoption of this Agreement, any organization or arrangement has not established such procedures, boarding and inspection pursuant to paragraph 1, as well as any subsequent enforcement action, shall, pending the establishment of such procedures, be conducted in accordance with this Article and the basic procedures set out in Article 22.

4. Prior to taking action under this Article, inspecting States shall, either directly or through the relevant subregional or regional fisheries management organization or arrangement, inform all States whose vessels fish on the high seas in the subregion or region of the form of identification issued to their duly authorized inspectors. The vessels used for boarding and inspection shall be clearly marked and identifiable as being on government service. At the time of becoming a Party to this Agreement, a State shall designate an appropriate authority to receive notifications pursuant to this Article and shall give due publicity of such designation through the relevant subregional or regional fisheries management organization or arrangement.

5. Where, following a boarding and inspection, there are clear grounds for believing that a vessel has engaged in any activity contrary to the conservation and management measures referred to in paragraph 1, the inspecting State shall, where appropriate, secure evidence and shall promptly notify the flag State of the alleged violation.

6. The flag State shall respond to the notification referred to in paragraph 5 within three working days of its receipt, or such other period as may be prescribed in procedures established in accordance with paragraph 2, and shall either:

(a) fulfil, without delay, its obligations under Article 19 to investigate and, if evidence so warrants, take enforcement action with respect to the vessel, in which case it shall promptly inform the inspecting State of the results of the investigation and of any enforcement action taken; or

(b) authorize the inspecting State to investigate.

7. Where the flag State authorizes the inspecting State to investigate an alleged violation, the inspecting State shall, without delay, communicate the results of that investigation to the flag State. The flag State shall, if evidence so warrants, fulfil its obligations to take enforcement action with respect to the vessel. Alternatively, the flag State may authorize the inspecting State to take such enforcement action as the flag State may specify with respect to the vessel, consistent with the rights and obligations of the flag State under this Agreement.

8. Where, following boarding and inspection, there are clear grounds for believing that a vessel has committed a serious violation, and the flag State has either failed to respond or failed to take action as required under paragraphs 6 or 7, the inspectors may remain on board and secure evidence and may require the master to assist in further investigation including, where appropriate, by bringing the vessel without delay to the nearest appropriate port, or to such other port as may be specified in procedures established in accordance with paragraph 2. The inspecting State shall immediately inform the flag State of the name of the port to which the

vessel is to proceed. The inspecting State and the flag State and, as appropriate, the port State shall take all necessary steps to ensure the well-being of the crew regardless of their nationality.

9. The inspecting State shall inform the flag State and the relevant organization or the participants in the relevant arrangement of the results of any further investigation.

10. The inspecting State shall require its inspectors to observe generally accepted international regulations, procedures and practices relating to the safety of the vessel and the crew, minimize interference with fishing operations and, to the extent practicable, avoid action which would adversely affect the quality of the catch on board. The inspecting State shall ensure that boarding and inspection is not conducted in a manner that would constitute harassment of any fishing vessel.

11. For the purposes of this Article, a serious violation means:

- (a) fishing without a valid licence, authorization or permit issued by the flag State in accordance with Article 18, paragraph 3 (a);
- (b) failing to maintain accurate records of catch and catch-related data, as required by the relevant subregional or regional fisheries management organization or arrangement, or serious misreporting of catch, contrary to the catch reporting requirements of such organization or arrangement;
- (c) fishing in a closed area, fishing during a closed season or fishing without, or after attainment of, a quota established by the relevant subregional or regional fisheries management organization or arrangement;
- (d) directed fishing for a stock which is subject to a moratorium or for which fishing is prohibited;
- (e) using prohibited fishing gear;
- (f) falsifying or concealing the markings, identity or registration of a fishing vessel;
- (g) concealing, tampering with or disposing of evidence relating to an investigation;
- (h) multiple violations which together constitute a serious disregard of conservation and management measures; or
- (i) such other violations as may be specified in procedures established by the relevant subregional or regional fisheries management organization or arrangement.

12. Notwithstanding the other provisions of this Article, the flag State may, at any time, take action to fulfil its obligations under Article 19 with respect to an alleged violation. Where the vessel is under the direction of the inspecting State, the inspecting State shall, at the request of the flag State, release the vessel to the flag State along with full information on the progress and outcome of its investigation.

13. This Article is without prejudice to the right of the flag State to take any measures, including proceedings to impose penalties, according to its laws.

14. This Article applies *mutatis mutandis* to boarding and inspection by a State Party which is a member of a subregional or regional fisheries management organization or a participant in a subregional or regional fisheries management arrangement and which has clear grounds for believing that a fishing vessel flying the flag of another State Party has engaged in any activity contrary to relevant conservation and management measures referred to in paragraph 1 in the high seas area covered by such organization or arrangement, and such vessel has subsequently, during the same fishing trip, entered into an area under the national jurisdiction of the inspecting State.

15. Where a subregional or regional fisheries management organization or arrangement has established an alternative mechanism which effectively discharges the obligation under this Agreement of its members or participants to ensure compliance with the conservation and management measures established by the organization or arrangement, members of such organization or participants in such arrangement may agree to

limit the application of paragraph 1 as between themselves in respect of the conservation and management measures which have been established in the relevant high seas area.

16. Action taken by States other than the flag State in respect of vessels having engaged in activities contrary to subregional or regional conservation and management measures shall be proportionate to the seriousness of the violation.

17. Where there are reasonable grounds for suspecting that a fishing vessel on the high seas is without nationality, a State may board and inspect the vessel. Where evidence so warrants, the State may take such action as may be appropriate in accordance with international law. 18. States shall be liable for damage or loss attributable to them arising from action taken pursuant to this Article when such action is unlawful or exceeds that reasonably required in the light of available information to implement the provisions of this Article.

Article 22 BASIC PROCEDURES FOR BOARDING AND INSPECTION PURSUANT TO ARTICLE 21

1. The inspecting State shall ensure that its duly authorized inspectors:

(a) present credentials to the master of the vessel and produce a copy of the text of the relevant conservation and management measures or rules and regulations in force in the high seas area in question pursuant to those measures;

(b) initiate notice to the flag State at the time of the boarding and inspection;

(c) do not interfere with the master's ability to communicate with the authorities of the flag State during the boarding and inspection;

(d) provide a copy of a report on the boarding and inspection to the master and to the authorities of the flag State, noting therein any objection or statement which the master wishes to have included in the report;

(e) promptly leave the vessel following completion of the inspection if they find no evidence of a serious violation; and

(f) avoid the use of force except when and to the degree necessary to ensure the safety of the inspectors and where the inspectors are obstructed in the execution of their duties. The degree of force used shall not exceed that reasonably required in the circumstances.

2. The duly authorized inspectors of an inspecting State shall have the authority to inspect the vessel, its licence, gear, equipment, records, facilities, fish and fish products and any relevant documents necessary to verify compliance with the relevant conservation and management measures.

3. The flag State shall ensure that vessel masters:

(a) accept and facilitate prompt and safe boarding by the inspectors;

(b) cooperate with and assist in the inspection of the vessel conducted pursuant to these procedures;

(c) do not obstruct, intimidate or interfere with the inspectors in the performance of their duties;

(d) allow the inspectors to communicate with the authorities of the flag State and the inspecting State during the boarding and inspection;

(e) provide reasonable facilities, including, where appropriate, food and accommodation, to the inspectors; and

(f) facilitate safe disembarkation by the inspectors.

4. In the event that the master of a vessel refuses to accept boarding and inspection in accordance with this Article and Article 21, the flag State shall, except in circumstances where, in accordance with generally accepted international regulations, procedures and practices relating to safety at sea, it is necessary to delay the boarding and inspection, direct the master of the vessel to submit immediately to boarding and inspection and, if the master not comply with such direction, shall suspend the vessel's authorization to fish and order the vessel to return immediately to port. The flag State shall advise the inspecting State of the action it has taken when the circumstances referred to in this paragraph arise.

Article 23 MEASURES TAKEN BY A PORT STATE

1. A port State has the right and the duty to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures. When taking such measures a port State shall not discriminate in form or in fact against the vessels of any State.
2. A port State may, inter alia, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at its offshore terminals.
3. States may adopt regulations empowering the relevant national authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of subregional, regional or global conservation and management measures on the high seas.
4. Nothing in this Article affects the exercise by States of their sovereignty over ports in their territory in accordance with international law.

**PART VII
REQUIREMENTS OF DEVELOPING STATES**

Article 24 RECOGNITION OF THE SPECIAL REQUIREMENTS OF DEVELOPING STATES

1. States shall give full recognition to the special requirements of developing States in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks. To this end, States shall, either directly or through the United Nations Development Programme, the Food and Agriculture Organization of the United Nations and other specialized agencies, the Global Environment Facility, the Commission on Sustainable Development and other appropriate international and regional organizations and bodies, provide assistance to developing States.
2. In giving effect to the duty to cooperate in the establishment of conservation and management measures for straddling fish stocks and highly migratory fish stocks, States shall take into account the special requirements of developing States, in particular:
 - (a) the vulnerability of developing States which are dependent on the exploitation of living marine resources, including for meeting the nutritional requirements of their populations or parts thereof;
 - (b) the need to avoid adverse impacts on, and ensure access to fisheries by, subsistence, small-scale and artisanal fishers and women fishworkers, as well as indigenous people in developing States, particularly small island developing States; and
 - (c) the need to ensure that such measures do not result in transferring, directly or indirectly, a disproportionate burden of conservation action onto developing States.

Article 25 FORMS OF COOPERATION WITH DEVELOPING STATES

1. States shall cooperate, either directly or through subregional, regional or global organizations:

(a) to enhance the ability of developing States, in particular the least-developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks;

(b) to assist developing States, in particular the least-developed among them and small island developing States, to enable them to participate in high seas fisheries for such stocks, including facilitating access to such fisheries subject to Articles 5 and 11; and

(c) to facilitate the participation of developing States in subregional and regional fisheries management organizations and arrangements.

2. Cooperation with developing States for the purposes set out in this Article shall include the provision of financial assistance, assistance relating to human resources development, technical assistance, transfer of technology, including through joint venture arrangements, and advisory and consultative services. 3. Such assistance shall, inter alia, be directed specifically towards:

(a) improved conservation and management of straddling fish stocks and highly migratory fish stocks through collection, reporting, verification, exchange and analysis of fisheries data and related information;

(b) stock assessment and scientific research; and

(c) monitoring, control, surveillance, compliance and enforcement, including training and capacity-building at the local level, development and funding of national and regional observer programmes and access to technology and equipment.

Article 26 SPECIAL ASSISTANCE IN THE IMPLEMENTATION OF THIS AGREEMENT

1. States shall cooperate to establish special funds to assist developing States in the implementation of this Agreement, including assisting developing States to meet the costs involved in any proceedings for the settlement of disputes to which they may be parties.

2. States and international organizations should assist developing States in establishing new subregional or regional fisheries management organizations or arrangements, or in strengthening existing organizations or arrangements, for the conservation and management of straddling fish stocks and highly migratory fish stocks.

PART VIII PEACEFUL SETTLEMENT OF DISPUTES

Article 27 OBLIGATION TO SETTLE DISPUTES BY PEACEFUL MEANS.

States have the obligation to settle their disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice.

Article 28 PREVENTION OF DISPUTES

States shall cooperate in order to prevent disputes. To this end, States shall agree on efficient and expeditious decision-making procedures within subregional and regional fisheries management organizations and arrangements and shall strengthen existing decision-making procedures as necessary.

Article 29 DISPUTES OF A TECHNICAL NATURE

Where a dispute concerns a matter of a technical nature, the States concerned may refer the dispute to an ad hoc expert panel established by them. The panel shall confer with the States concerned and shall endeavour to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes.

Article 30 PROCEDURES FOR THE SETTLEMENT OF DISPUTES

1. The provisions relating to the settlement of disputes set out in Part XV of the Convention apply *mutatis mutandis* to any dispute between States Parties to this Agreement concerning the interpretation or application of this Agreement, whether or not they are also Parties to the Convention.
2. The provisions relating to the settlement of disputes set out in Part XV of the Convention apply *mutatis mutandis* to any dispute between States Parties to this Agreement concerning the interpretation or application of a subregional, regional or global fisheries agreement relating to straddling fish stocks or highly migratory fish stocks to which they are parties, including any dispute concerning the conservation and management of such stocks, whether or not they are also Parties to the Convention.
3. Any procedure accepted by a State Party to this Agreement and the Convention pursuant to Article 287 of the Convention shall apply to the settlement of disputes under this Part, unless that State Party, when signing, ratifying or acceding to this Agreement, or at any time thereafter, has accepted another procedure pursuant to Article 287 for the settlement of disputes under this Part.
4. A State Party to this Agreement which is not a Party to the Convention, when signing, ratifying or acceding to this Agreement, or at any time thereafter, shall be free to choose, by means of a written declaration, one or more of the means set out in Article 287, paragraph 1, of the Convention for the settlement of disputes under this Part. Article 287 shall apply to such a declaration, as well as to any dispute to which such State is a party which is not covered by a declaration in force. For the purposes of conciliation and arbitration in accordance with Annexes V, VII and VIII to the Convention, such State shall be entitled to nominate conciliators, arbitrators and experts to be included in the lists referred to in Annex V, Article 2, Annex VII, Article 2, and Annex VIII, Article 2, for the settlement of disputes under this Part.
5. Any court or tribunal to which a dispute has been submitted under this Part shall apply the relevant provisions of the Convention, of this Agreement and of any relevant subregional, regional or global fisheries agreement, as well as generally accepted standards for the conservation and management of living marine resources and other rules of international law not incompatible with the Convention, with a view to ensuring the conservation of the straddling fish stocks and highly migratory fish stocks concerned.

Article 31 PROVISIONAL MEASURES

1. Pending the settlement of a dispute in accordance with this Part, the parties to the dispute shall make every effort to enter into provisional arrangements of a practical nature.
2. Without prejudice to Article 290 of the Convention, the court or tribunal to which the dispute has been submitted under this Part may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent damage to the stocks in question, as well as in the circumstances referred to in Article 7, paragraph 5, and Article 16, paragraph 2.
3. A State Party to this Agreement which is not a Party to the Convention may declare that, notwithstanding Article 290, paragraph 5, of the Convention, the International Tribunal for the Law of the Sea shall not be entitled to prescribe, modify or revoke provisional measures without the agreement of such State.

Article 32 LIMITATIONS ON APPLICABILITY OF PROCEDURES FOR THE SETTLEMENT OF DISPUTES

Article 297, paragraph 3, of the Convention applies also to this Agreement.

**PART IX
NON-PARTIES TO THIS AGREEMENT**

Article 33 NON-PARTIES TO THIS AGREEMENT

1. States Parties shall encourage non-parties to this Agreement to become parties thereto and to adopt laws and regulations consistent with its provisions.
2. States Parties shall take measures consistent with this Agreement and international law to deter the activities of vessels flying the flag of non-parties which undermine the effective implementation of this Agreement.

**PART X
GOOD FAITH AND ABUSE OF RIGHTS**

Article 34 GOOD FAITH AND ABUSE OF RIGHTS

States Parties shall fulfil in good faith the obligations assumed under this Agreement and shall exercise the rights recognized in this Agreement in a manner which would not constitute an abuse of right.

**PART XI
RESPONSIBILITY AND LIABILITY**

Article 35 RESPONSIBILITY AND LIABILITY

States Parties are liable in accordance with international law for damage or loss attributable to them in regard to this Agreement.

**PART XII
REVIEW CONFERENCE**

Article 36 REVIEW CONFERENCE

1. Four years after the date of entry into force of this Agreement, the Secretary-General of the United Nations shall convene a conference with a view to assessing the effectiveness of this Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. The Secretary-General shall invite to the conference all States Parties and those States and entities which are entitled to become parties to this Agreement as well as those intergovernmental and non-governmental organizations entitled to participate as observers.
2. The conference shall review and assess the adequacy of the provisions of this Agreement and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of straddling fish stocks and highly migratory fish stocks.

**PART XIII
FINAL PROVISIONS**

Article 37 SIGNATURE

This Agreement shall be open for signature by all States and the other entities referred to in Article 1, paragraph 2(b), and shall remain open for signature at United Nations Headquarters for twelve months from the fourth of December 1995.

Article 38 RATIFICATION

This Agreement is subject to ratification by States and the other entities referred to in Article 1, paragraph 2(b). The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 39 ACCESSION

This Agreement shall remain open for accession by States and the other entities referred to in Article 1, paragraph 2(b). The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 40 ENTRY INTO FORCE

1. This Agreement shall enter into force 30 days after the date of deposit of the thirtieth instrument of ratification or accession.
2. For each State or entity which ratifies the Agreement or accedes thereto after the deposit of the thirtieth instrument of ratification or accession, this Agreement shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.

Article 41 PROVISIONAL APPLICATION

1. This Agreement shall be applied provisionally by a State or entity which consents to its provisional application by so notifying the depositary in writing. Such provisional application shall become effective from the date of receipt of the notification.
2. Provisional application by a State or entity shall terminate upon the entry into force of this Agreement for that State or entity or upon notification by that State or entity to the depositary in writing of its intention to terminate provisional application.

Article 42 RESERVATIONS AND EXCEPTIONS

No reservations or exceptions may be made to this Agreement.

Article 43 DECLARATIONS AND STATEMENTS

Article 42 does not preclude a State or entity, when signing, ratifying or acceding to this Agreement, 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 Agreement, provided that such declarations or statements do not purport to exclude or to modify the legal effect of the provisions of this Agreement in their application to that State or entity.

Article 44 RELATION TO OTHER AGREEMENTS

1. This Agreement shall not alter the rights and obligations of States Parties which arise from other agreements compatible with this Agreement and which do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Agreement.
2. Two or more States Parties may conclude agreements modifying or suspending the operation of provisions of this Agreement, applicable solely to the relations between them, provided that such agreements do not relate to a provision derogation from which is incompatible with the effective execution of the object and purpose of this Agreement, and provided further that such agreements shall not affect the application of the

basic principles embodied herein, and that the provisions of such agreements do not affect the enjoyment by other States Parties of their rights or the performance of their obligations under this Agreement.

3. States Parties intending to conclude an agreement referred to in paragraph 2 shall notify the other States Parties through the depositary of this Agreement of their intention to conclude the agreement and of the modification or suspension for which it provides.

Article 45 AMENDMENT

1. A State Party may, by written communication addressed to the Secretary-General of the United Nations, propose amendments to this Agreement and request the convening of a conference to consider such proposed amendments. The Secretary-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Secretary-General shall convene the conference.

2. The decision-making procedure applicable at the amendment conference convened pursuant to paragraph 1 shall be the same as that applicable at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, unless otherwise decided by the conference. The conference should make every effort to reach agreement on any amendments by way of consensus and there should be no voting on them until all efforts at consensus have been exhausted.

3. Once adopted, amendments to this Agreement shall be open for signature at United Nations Headquarters by States Parties for twelve months from the date of adoption, unless otherwise provided in the amendment itself.

4. Articles 38, 39, 47 and 50 apply to all amendments to this Agreement.

5. Amendments to this Agreement shall enter into force for the States Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by two thirds of the States Parties. Thereafter, for each State Party ratifying or acceding to an amendment after the deposit of the required number of such instruments, the amendment shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.

6. An amendment may provide that a smaller or a larger number of ratifications or accessions shall be required for its entry into force than are required by this Article.

7. A State which becomes a Party to this Agreement after the entry into force of amendments in accordance with paragraph 5 shall, failing an expression of a different intention by that State:

(a) be considered as a Party to this Agreement as so amended; and

(b) be considered as a Party to the unamended Agreement in relation to any State Party not bound by the amendment.

Article 46 DENUNCIATION

1. A State Party may, by written notification addressed to the Secretary-General of the United Nations, denounce this Agreement and may indicate its reasons. Failure to indicate reasons shall not affect the validity of the denunciation. The denunciation shall take effect one year after the date of receipt of the notification, unless the notification specifies a later date.

2. The denunciation shall not in any way affect the duty of any State Party to fulfil any obligation embodied in this Agreement to which it would be subject under international law independently of this Agreement.

Article 47 PARTICIPATION BY INTERNATIONAL ORGANIZATIONS

1. In cases where an international organization referred to in Annex IX, Article 1, of the Convention does not have competence over all the matters governed by this Agreement, Annex IX to the Convention shall apply *mutatis mutandis* to participation by such international organization in this Agreement, except that the following provisions of that Annex shall not apply:

(a) Article 2, first sentence; and

(b) Article 3, paragraph 1.

2. In cases where an international organization referred to in Annex IX, Article 1, of the Convention has competence over all the matters governed by this Agreement, the following provisions shall apply to participation by such international organization in this Agreement:

(a) at the time of signature or accession, such international organization shall make a declaration stating:

(i) that it has competence over all the matters governed by this Agreement;

(ii) that, for this reason, its member States shall not become States Parties, except in respect of their territories for which the international organization has no responsibility; and

(iii) that it accepts the rights and obligations of States under this Agreement;

(b) participation of such an international organization shall in no case confer any rights under this Agreement on member States of the international organization;

(c) in the event of a conflict between the obligations of an international organization under this Agreement and its obligations under the agreement establishing the international organization or any acts relating to it, the obligations under this Agreement shall prevail.

Article 48 ANNEXES

1. The Annexes form an integral part of this Agreement and, unless expressly provided otherwise, a reference to this Agreement or to one of its Parts includes a reference to the Annexes relating thereto.

2. The Annexes may be revised from time to time by States Parties. Such revisions shall be based on scientific and technical considerations. Notwithstanding the provisions of Article 45, if a revision to an Annex is adopted by consensus at a meeting of States Parties, it shall be incorporated in this Agreement and shall take effect from the date of its adoption or from such other date as may be specified in the revision. If a revision to an Annex is not adopted by consensus at such a meeting, the amendment procedures set out in Article 45 shall apply.

Article 49 DEPOSITARY

The Secretary-General of the United Nations shall be the depositary of this Agreement and any amendments or revisions thereto.

Article 50 AUTHENTIC TEXTS

The Arabic, Chinese, English, French, Russian and Spanish texts of this Agreement are equally authentic.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, being duly authorized thereto, have signed this Agreement.

OPENED FOR SIGNATURE at New York, this fourth day of December, one thousand nine hundred and ninety-five, in a single original, in the Arabic, Chinese, English, French, Russian and Spanish languages.

ANNEX I
STANDARD REQUIREMENTS FOR THE COLLECTION AND SHARING OF DATA

Article 1 **GENERAL PRINCIPLES**

1. The timely collection, compilation and analysis of data are fundamental to the effective conservation and management of straddling fish stocks and highly migratory fish stocks. To this end, data from fisheries for these stocks on the high seas and those in areas under national jurisdiction are required and should be collected and compiled in such a way as to enable statistically meaningful analysis for the purposes of fishery resource conservation and management. These data include catch and fishing effort statistics and other fishery-related information, such as vessel-related and other data for standardizing fishing effort. Data collected should also include information on non-target and associated or dependent species. All data should be verified to ensure accuracy. Confidentiality of non-aggregated data shall be maintained. The dissemination of such data shall be subject to the terms on which they have been provided.

2. Assistance, including training as well as financial and technical assistance, shall be provided to developing States in order to build capacity in the field of conservation and management of living marine resources. Assistance should focus on enhancing capacity to implement data collection and verification, observer programmes, data analysis and research projects supporting stock assessments. The fullest possible involvement of developing State scientists and managers in conservation and management of straddling fish stocks and highly migratory fish stocks should be promoted.

Article 2 **PRINCIPLES OF DATA COLLECTION, COMPILATION AND EXCHANGE**

The following general principles should be considered in defining the parameters for collection, compilation and exchange of data from fishing operations for straddling fish stocks and highly migratory fish stocks:

(a) States should ensure that data are collected from vessels flying their flag on fishing activities according to the operational characteristics of each fishing method (e.g., each individual tow for trawl, each set for long-line and purse-seine, each school fished for pole-and-line and each day fished for troll) and in sufficient detail to facilitate effective stock assessment;

(b) States should ensure that fishery data are verified through an appropriate system;

(c) States should compile fishery-related and other supporting scientific data and provide them in an agreed format and in a timely manner to the relevant subregional or regional fisheries management organization or arrangement where one exists. Otherwise, States should cooperate to exchange data either directly or through such other cooperative mechanisms as may be agreed among them;

(d) States should agree, within the framework of subregional or regional fisheries management organizations or arrangements, or otherwise, on the specification of data and the format in which they are to be provided, in accordance with this Annex and taking into account the nature of the stocks and the fisheries for those stocks in the region. Such organizations or arrangements should request non-members or non-participants to provide data concerning relevant fishing activities by vessels flying their flag;

(e) such organizations or arrangements shall compile data and make them available in a timely manner and in an agreed format to all interested States under the terms and conditions established by the organization or arrangement; and

(f) scientists of the flag State and from the relevant subregional or regional fisheries management organization or arrangement should analyse the data separately or jointly, as appropriate.

Article 3 BASIC FISHERY DATA

1. States shall collect and make available to the relevant subregional or regional fisheries management organization or arrangement the following types of data in sufficient detail to facilitate effective stock assessment in accordance with agreed procedures:

(a) time series of catch and effort statistics by fishery and fleet;

(b) total catch in number, nominal weight, or both, by species (both target and non-target) as is appropriate to each fishery. [Nominal weight is defined by the Food and Agriculture Organization of the United Nations as the live-weight equivalent of the landings];

(c) discard statistics, including estimates where necessary, reported as number or nominal weight by species, as is appropriate to each fishery;

(d) effort statistics appropriate to each fishing method; and

(e) fishing location, date and time fished and other statistics on fishing operations as appropriate.

2. States shall also collect where appropriate and provide to the relevant subregional or regional fisheries management organization or arrangement information to support stock assessment, including:

(a) composition of the catch according to length, weight and sex;

(b) other biological information supporting stock assessments, such as information on age, growth, recruitment, distribution and stock identity; and

(c) other relevant research, including surveys of abundance, biomass surveys, hydro-acoustic surveys, research on environmental factors affecting stock abundance, and oceanographic and ecological studies.

Article 4 VESSEL DATA AND INFORMATION

1. States should collect the following types of vessel-related data for standardizing fleet composition and vessel fishing power and for converting between different measures of effort in the analysis of catch and effort data:

(a) vessel identification, flag and port of registry;

(b) vessel type;

(c) vessel specifications (e.g., material of construction, date built, registered length, gross registered tonnage, power of main engines, hold capacity and catch storage methods); and

(d) fishing gear description (e.g., types, gear specifications and quantity).

2. The flag State will collect the following information:

(a) navigation and position fixing aids;

(b) communication equipment and international radio call sign; and

(c) crew size.

Article 5 REPORTING

A State shall ensure that vessels flying its flag send to its national fisheries administration and, where agreed, to the relevant subregional or regional fisheries management organization or arrangement, logbook data on catch

and effort, including data on fishing operations on the high seas, at sufficiently frequent intervals to meet national requirements and regional and international obligations. Such data shall be transmitted, where necessary, by radio, telex, facsimile or satellite transmission or by other means.

Article 6 DATA VERIFICATION

States or, as appropriate, subregional or regional fisheries management organizations or arrangements should establish mechanisms for verifying fishery data, such as:

- (a) position verification through vessel monitoring systems;
- (b) scientific observer programmes to monitor catch, effort, catch composition (target and non-target) and other details of fishing operations;
- (c) vessel trip, landing and transshipment reports; and
- (d) port sampling.

Article 7 DATA EXCHANGE

1. Data collected by flag States must be shared with other flag States and relevant coastal States through appropriate subregional or regional fisheries management organizations or arrangements. Such organizations or arrangements shall compile data and make them available in a timely manner and in an agreed format to all interested States under the terms and conditions established by the organization or arrangement, while maintaining confidentiality of non-aggregated data, and should, to the extent feasible, develop database systems which provide efficient access to data.
2. At the global level, collection and dissemination of data should be effected through the Food and Agriculture Organization of the United Nations. Where a subregional or regional fisheries management organization or arrangement does not exist, that organization may also do the same at the subregional or regional level by arrangement with the States concerned.

ANNEX II
GUIDELINES FOR THE APPLICATION OF PRECAUTIONARY REFERENCE POINTS IN
CONSERVATION AND MANAGEMENT OF STRADDLING FISH STOCKS AND HIGHLY
MIGRATORY FISH STOCKS

1. A precautionary reference point is an estimated value derived through an agreed scientific procedure, which corresponds to the state of the resource and of the fishery, and which can be used as a guide for fisheries management.
2. Two types of precautionary reference points should be used: conservation, or limit, reference points and management, or target, reference points. Limit reference points set boundaries which are intended to constrain harvesting within safe biological limits within which the stocks can produce maximum sustainable yield. Target reference points are intended to meet management objectives.
3. Precautionary reference points should be stock-specific to account, *inter alia*, for the reproductive capacity, the resilience of each stock and the characteristics of fisheries exploiting the stock, as well as other sources of mortality and major sources of uncertainty.
4. Management strategies shall seek to maintain or restore populations of harvested stocks, and where necessary associated or dependent species, at levels consistent with previously agreed precautionary reference points. Such reference points shall be used to trigger pre-agreed conservation and management action. Management strategies shall include measures which can be implemented when precautionary reference points are approached.

5. Fishery management strategies shall ensure that the risk of exceeding limit reference points is very low. If a stock falls below a limit reference point or is at risk of falling below such a reference point, conservation and management action should be initiated to facilitate stock recovery. Fishery management strategies shall ensure that target reference points are not exceeded on average.

6. When information for determining reference points for a fishery is poor or absent, provisional reference points shall be set. Provisional reference points may be established by analogy to similar and better-known stocks. In such situations, the fishery shall be subject to enhanced monitoring so as to enable revision of provisional reference points as improved information becomes available.

7. The fishing mortality rate which generates maximum sustainable yield should be regarded as a minimum standard for limit reference points. For stocks which are not overfished, fishery management strategies shall ensure that fishing mortality does not exceed that which corresponds to maximum sustainable yield, and that the biomass does not fall below a predefined threshold. For overfished stocks, the biomass which would produce maximum sustainable yield can serve as a rebuilding target.

VIENNA CONVENTION FOR THE PROTECTION OF THE OZONE LAYER

Adopted at Vienna on 22 March 1985
Entered into force 22 September 1988

PREAMBLE

The Parties to this Convention,

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

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

Taking into account the circumstances and particular requirements of developing countries, Mindful of the work and studies proceeding within both international and national 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 Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

- (a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties at its first ordinary meeting;
- (b) Submission of the dispute to the International Court of Justice.

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

5. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a final and 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 Depositary.
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 Depositary of any substantial modification in the extent of their competence.

Article 14 ACCESSION

1. This Convention and any protocol shall be open for accession by States and by regional economic integration 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 Depositary.
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 H₀X, N₀X, Cl₀X 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 (CO₂) has significant natural and anthropogenic sources, and affects stratospheric ozone by influencing the thermal structure of the atmosphere.
- (iii) Methane (CH₄) 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 (N₂O)
The dominant sources of N₂O are natural, but anthropogenic contributions are becoming increasingly important. Nitrous oxide is the primary source of stratospheric NO_x, which plays a vital role in controlling the abundance of stratospheric ozone.
- (ii) Nitrogen oxides (NO_x)
Ground-level sources of NO_x play a major direct role only in tropospheric photochemical processes and an indirect role in stratosphere photochemistry, whereas injection of NO_x close to the tropopause may lead directly to a change in upper tropospheric and stratospheric ozone.

(c) Chlorine substances

- (i) Fully halogenated alkanes, e.g. CCl₄, CFCI₃ (CFC-11), CF₂Cl₂ (CFC-12), C₂F₃Cl₃ (CFC-113), C₂F₄Cl₂ (CFC-114)
Fully halogenated alkanes are anthropogenic and act as a source of ClO_x, which plays a vital role in ozone photochemistry, especially in the 30-50 km altitude region.
- (ii) Partially halogenated alkanes, e.g. CH₃Cl, CHF₂Cl (CFC-22), CH₃CCl₃, CHFCl₂ (CFC-21)
The sources of CH₃Cl are natural, whereas the other partially halogenated alkanes mentioned above are anthropogenic in origin. These gases also act as a source of stratospheric ClO_x.

(d) Bromine substances

Fully halogenated alkanes, e.g. CF₃Br

These gases are anthropogenic and act as a source of BrO_x, which behaves in a manner similar to ClO_x.

(e) Hydrogen substances

- (i) Hydrogen (H₂)

Hydrogen, the source of which is natural and anthropogenic, plays a minor role in stratospheric photochemistry.

(ii) Water (H₂O)

Water, the source of which is natural, plays a vital role in both tropospheric and stratospheric photochemistry. Local sources of water vapour in the stratosphere include the oxidation of methane and, to a lesser extent, of hydrogen.

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

Entered into Force 1 January 1989

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 HYDROCHLOROFLUOROCABONS

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 HYDROBROMOFLUOROCABONS

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 METHYTL 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 ter 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 fulfill forthwith the sum of the obligations under Article 2, as well as under Article 4, that apply at that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force.

Article 18 RESERVATIONS

No reservations may be made to this Protocol.

Article 19 WITHDRAWAL

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*
Group I		
	CFCl ₃ (CFC-11)	1.0
	CF ₂ Cl ₂ (CFC-12)	1.0
	C ₂ F ₃ CL ₃ (CFC-113)	0.8
	C ₂ F ₄ Cl ₂ (CFC-114)	1.0
	C ₂ F ₄ Cl (CFC-115)	0.6
Group II		
	CF ₂ BrCl (halon-1211)	3.0
	CF ₃ Br (halon 1301)	10.0
	C ₂ F ₄ Br ₂ (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 ₃ Cl	(CFC-13) 1.0
	C ₂ FCl ₅	(CFC-111) 1.0
	C ₂ F ₂ Cl ₄	(CFC-112) 1.0
	C ₃ FCl ₇	(CFC-211) 1.0
	C ₃ F ₂ Cl ₆	(CFC-212) 1.0
	C ₃ F ₃ Cl ₅	(CFC-213) 1.0
	C ₃ F ₄ Cl ₄	(CFC-214) 1.0
	C ₃ F ₅ Cl ₃	(CFC-215) 1.0
	C ₃ F ₆ Cl ₂	(CFC-216) 1.0
	C ₃ F ₇ Cl	(CFC-217) 1.0
Group II		
CCl ₄	carbon tetrachloride	1.1
Group III		
C ₂ H ₃ Cl ₃ *	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 ₂	(HCFC-21)** 1	0.04
	CHF ₂ Cl	(HCFC-22)** 1	0.055
	CH ₂ FCl	(HCFC-31) 1	0.02
	C ₂ HFCl ₄	(HCFC-121) 2	0.01 - 0.04
	C ₂ HF ₂ Cl ₃	(HCFC-122) 3	0.02 - 0.08
	C ₂ HF ₃ Cl ₂	(HCFC-123) 3	0.02 - 0.06
	CHCl ₂ CF ₃	(HCFC-123)** -	0.02
	C ₂ HF ₄ Cl	(HCFC-124) 2	0.02 - 0.04
	CHFClCF ₃	(HCFC-124)** -	0.022
	C ₂ H ₂ FCl ₃	(HCFC-131) 3	0.007 - 0.05
	C ₂ H ₂ F ₂ Cl ₂	(HCFC-132) 4	0.008 - 0.05
	C ₂ H ₂ F ₃ Cl	(HCFC-133) 3	0.02 - 0.06
	C ₂ H ₃ FCl ₂	(HCFC-141) 3	0.005 - 0.07
	CH ₃ CFCl ₂	(HCFC-141b)** -	0.11
	C ₂ H ₃ F ₂ Cl	(HCFC-142) 3	0.008 - 0.07
	CH ₃ CF ₂ Cl	(HCFC-142b)** -	0.065
	C ₂ H ₄ FCl	(HCFC-151) 2	0.003 - 0.005
	C ₃ HFCl ₆	(HCFC-221) 5	0.015 - 0.07
	C ₃ HF ₂ Cl ₅	(HCFC-222) 9	0.01 - 0.09
	C ₃ HF ₃ Cl ₄	(HCFC-223) 12	0.01 - 0.08

C ₃ HF ₄ Cl ₃	(HCFC-224)	12	0.01 - 0.09
C ₃ HF ₅ Cl ₂	(HCFC-225)	9	0.02 - 0.07
CF ₃ CF ₂ CHCl ₂	(HCFC-225ca)**	-	0.025
CF ₂ CICF ₂ CHClF	(HCFC-225cb)**	-	0.033
C ₃ HF ₆ Cl	(HCFC-226)	5	0.02 - 0.10
C ₃ H ₂ FCl ₅	(HCFC-231)	9	0.05 - 0.09
C ₃ H ₂ F ₂ Cl ₄	(HCFC-232)	16	0.008 - 0.10
C ₃ H ₂ F ₃ Cl ₃	(HCFC-233)	18	0.007 - 0.23
C ₃ H ₂ F ₄ Cl ₂	(HCFC-234)	6	0.01 - 0.28
C ₃ H ₂ F ₅ Cl	(HCFC-235)	9	0.03 - 0.52
C ₃ H ₃ FCl ₄	(HCFC-241)	12	0.004 - 0.09
C ₃ H ₃ F ₂ Cl ₃	(HCFC-242)	18	0.005 - 0.13
C ₃ H ₃ F ₃ Cl ₂	(HCFC-243)	18	0.007 - 0.12
C ₃ H ₃ F ₄ Cl	(HCFC-244)	12	0.009 - 0.14
C ₃ H ₄ FCl ₃	(HCFC-251)	12	0.001 - 0.01
C ₃ H ₄ F ₂ Cl ₂	(HCFC-252)	16	0.005 - 0.04
C ₃ H ₄ F ₃ Cl	(HCFC-253)	12	0.003 - 0.03
C ₃ H ₅ FCl ₂	(HCFC-261)	9	0.002 - 0.02
C ₃ H ₅ F ₂ Cl	(HCFC-262)	9	0.002 - 0.02
C ₃ H ₆ FCl	(HCFC-271)	5	0.001 - 0.03

Group II

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

Adopted at Basel on 22 March 1989

Entered into force 5 May 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 4A (inserted COP III, Decision III/1, but as of June 1998, not yet in force)

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 1(i)(a) of the Convention which are destined for operations according to Annex IVB to States not listed in Annex VII. Such transboundary movement 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 as 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;

(i) To assist Parties upon request in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic;

(j) To co-operate with Parties and with relevant and competent international organizations and agencies in the provision of experts and equipment for the purpose of rapid assistance to States in the event of an emergency situation; and

(k) To perform such other functions relevant to the purposes of this Convention as may be determined by the Conference of the Parties.

2. The secretariat functions will be carried out on an interim basis by UNEP until the completion of the first meeting of the Conference of the Parties held pursuant to Article 15.

3. At its first meeting, the Conference of the Parties shall designate the Secretariat from among those existing competent intergovernmental organizations which have signified their willingness to carry out the secretariat functions under this Convention. At this meeting, the Conference of the Parties shall also evaluate the implementation by the interim Secretariat of the functions assigned to it, in particular under paragraph 1 above, and decide upon the structures appropriate for those functions.

Article 17 AMENDMENT OF THE CONVENTION

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

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

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-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 V1. 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 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 Depositary.
2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

Article 28 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.

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).

[NOTE: (a)-(d) below inserted during COP-IV, February 1998, but as of June 1998, not yet in force]

- (a) To facilitate the application of this Convention, and subject to paragraphs (b), (c) and (d) and wastes listed in Annex VIII are characterised as hazardous pursuant to Article 1, paragraph 1(a), of this Convention, and wastes listed in Annex IX are not covered by Article 1, paragraph 1(a), of this Convention.
- (b) Designation of a waste on Annex VIII does not preclude, in a particular case, the use of Annex III to demonstrate that a waste is not hazardous pursuant to Article 1, paragraph 1(a), of this Convention.
- (c) Designation of a waste on Annex IX does not preclude, in a particular case, characterisation of such a waste as hazardous pursuant to Article 1, paragraph (a), of this Convention if it contains Annex I materials to an extent causing it to exhibit an Annex III characteristic.
- (d) Annexes VIII and IX do not affect the application of Article 1, paragraph 1(a), of this convention for the purpose of characterisation of waste.

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.
- 4.3 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. |

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to 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.

ANNEX VII

Parties and other States which are members of OECD, EC, Liechtenstein

ANNEX VIII

Wastes contained in this annex are characterized as hazardous under Article 1, paragraph 1(a), of this Convention, and their designation on this Annex does not preclude the use of Annex III to demonstrate that a waste is not hazardous

[A1] Metal and metal-bearing wastes

[A1010] Metal wastes and waste consisting of alloys of any of the following:

- Antimony
- Arsenic
- Beryllium
- Cadmium
- Lead
- Mercury
- Selenium
- Tellurium
- Thallium

but excluding such wastes specifically listed on list B.

[A1020] Waste having as constituents or contaminants, excluding metal waste in massive form, any of the following:

- Antimony; antimony compounds
- Beryllium; beryllium compounds
- Cadmium; cadmium compounds
- Lead; lead compounds
- Selenium; selenium compounds
- Tellurium; tellurium compounds

[A1030] Wastes having as constituents or contaminants any of the following:

- Arsenic; arsenic compounds
- Mercury; mercury compounds.

- Thallium; thallium compounds

[A1040] Wastes having as constituents any of the following:

- Metal carbonyls
- Hexavalent chromium compounds

[A1050] Galvanic sludges

[A1060] Waste liquors from the pickling of metals

[A1070] Leaching residues from zinc processing, dust and sludges such as jarosite, hematite, etc.

[A1080] Waste zinc residues not included on list B, containing lead and cadmium in concentrations sufficient to exhibit Annex III characteristics

[A1090] Ashes from the incineration of insulated copper wire

[A1100] Dusts and residues from gas cleaning systems of copper smelters

[A1110] Spent electrolytic solutions from copper electrorefining and electrowinning operations

[A1120] Waste sludges, excluding anode slimes, from electrolyte purification systems in copper electrorefining and electrowinning operations

[A1130] Spent etching solutions containing dissolved copper

[A1140] Waste cupric chloride and copper cyanide catalysts

[A1150] Precious metal ash from incineration of printed circuit boards not included on list B

[A1160] Waste lead-acid batteries, whole or crushed

[A1170] Unsorted waste batteries excluding mixtures of only list B batteries. Waste batteries not specified on list B containing Annex I constituents to an extent to render them hazardous.

[A1180] Waste electrical and electronic assemblies or scrap containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) to an extent that they possess any of the characteristics contained in Annex III (Note the related entry on list B [B1110])

[A2] Wastes containing principally inorganic constituents, which may contain metals and organic materials

[A2010] Glass waste from cathode-ray tubes and other activated glasses

[A2020] Waste inorganic fluorine compounds in the form of liquids or sludges but excluding such wastes specified on list B

[A2030] Waste catalysts but excluding such wastes specified on list B

[A2040] Waste gypsum arising from chemical industry processes, when containing Annex I constituents to the extent that it exhibits an Annex III hazardous characteristic (Note the related entry on list B [B2080])

[A2050] Waste asbestos (dusts and fibres)

[A2060] Coal-fired power plant fly-ash containing Annex I substances in concentrations sufficient to exhibit Annex III characteristics (Note the related entry on list B [B2050])

[A3] Wastes containing principally organic constituents, which may contain metals and inorganic materials

- [A3010] Waste from the production or processing of petroleum coke and bitumen
- [A3020] Waste mineral oils unfit for their originally intended use
- [A3030] Wastes that contain, consist of or are contaminated with leaded anti-knock compound sludges
- [A3040] Waste thermal (heat transfer) fluids
- [A3050] Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives excluding such wastes specified on list B (Note the related entry on list B [B4020])
- [A3060] Waste nitrocellulose
- [A3070] Waste phenols, phenol compounds including chlorophenol in the form of liquids or sludges
- [A3080] Waste ethers not including those specified on list B
- [A3090] Waste leather dust, ash, sludges and flours when containing hexavalent chromium compounds or biocides (Note the related entry on list B [B3100])
- [A3100] Waste paring and other waste of leather or of composition leather not suitable for the manufacture of leather articles containing hexavalent chromium compounds or biocides (Note the related entry on list B [B3090])
- [A3110] Fellmongery wastes containing hexavalent chromium compounds or biocides or infectious substances (Note the related entry on list B [B3110])
- [A3120] Fluff - light fraction from shredding
- [A3130] Waste organic phosphorous compounds
- [A3140] Waste non-halogenated organic solvents but excluding such wastes specified on list B
- [A3150] Waste halogenated organic solvents
- [A3160] Waste halogenated or unhalogenated non-aqueous distillation residues arising from organic solvent recovery operations
- [A3170] Wastes arising from the production of aliphatic halogenated hydrocarbons (such as chloromethane, dichloro-ethane, vinyl chloride, vinylidene chloride, allyl chloride and epichlorhydrin)
- [A3180] Wastes, substances and articles containing, consisting of or contaminated with polychlorinated biphenyl (PCB), polychlorinated terphenyl (PCT), polychlorinated naphthalene (PCN) or polybrominated biphenyl (PBB), or any other polybrominated analogues of these compounds, at a concentration level of 50 mg/kg or more
- [A3190] Waste tarry residues (excluding asphalt cements) arising from refining, distillation and any pyrolytic treatment of organic materials
- [A4] Wastes which may contain either inorganic or organic constituents**
- [A4010] Wastes from the production, preparation and use of pharmaceutical products but excluding such wastes specified on list B

[A4020] Clinical and related wastes; that is wastes arising from medical, nursing, dental, veterinary, or similar practices, and wastes generated in hospitals or other facilities during the investigation or treatment of patients, or research projects

[A4030] Wastes from the production, formulation and use of biocides and phytopharmaceuticals, including waste pesticides and herbicides which are off-specification, out-dated, or unfit for their originally intended use

[A4040] Wastes from the manufacture, formulation and use of wood-preserving chemicals

[A4050] Wastes that contain, consist of or are contaminated with any of the following:

- Inorganic cyanides, excepting precious-metal-bearing residues in solid form containing traces of inorganic cyanides
- Organic cyanides

[A4060] Waste oils/water, hydrocarbons/water mixtures, emulsions

[A4070] Wastes from the production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish excluding any such waste specified on list B (Note the related entry on list B [B4010])

[A4080] Wastes of an explosive nature (but excluding such wastes specified on list B)

[A4090] Waste acidic or basic solutions, other than those specified in the corresponding entry on list B (Note the related entry on list B [B2120])

[A4100] Wastes from industrial pollution control devices for cleaning of industrial off-gases but excluding such wastes specified on list B

[A4110] Wastes that contain, consist of or are contaminated with any of the following:

- Any congener of polychlorinated dibenzo-furan
- Any congener of polychlorinated dibenzo-dioxin

[A4120] Wastes that contain, consist of or are contaminated with peroxides

[A4130] Waste packages and containers containing Annex I substances in concentrations sufficient to exhibit Annex III hazard characteristics

[A4140] Waste consisting of or containing off specification or out-dated chemicals corresponding to Annex I categories and exhibiting Annex III hazard characteristics

[A4150] Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known

[A4160] Spent activated carbon not included on list B (Note the related entry on list B [B2060])

ANNEX IX

Wastes contained in this Annex will not be wastes covered by Article 1, paragraph 1(a), of this Convention unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic

[B1] Metal and metal-bearing wastes

[B1010] Metal and metal-alloy wastes in metallic, non-dispersible form:

- Precious metals (gold, silver, the platinum group, but not mercury)
- Iron and steel scrap
- Copper scrap
- Nickel scrap

- Aluminium scrap
- Zinc scrap
- Tin scrap
- Tungsten scrap
- Molybdenum scrap
- Tantalum scrap
- Magnesium scrap
- Cobalt scrap
- Bismuth scrap
- Titanium scrap
- Zirconium scrap
- Manganese scrap
- Germanium scrap
- Vanadium scrap
- Scrap of Hafnium, Indium, Niobium, Rhenium and Gallium
- Thorium scrap
- Rare earths scrap

[B1020] Clean, uncontaminated metal scrap, including alloys, in bulk finished form (sheet, plate, beams, rods, etc), of:

- Antimony scrap
- Beryllium scrap
- Cadmium scrap
- Lead scrap (but excluding lead-acid batteries)
- Selenium scrap
- Tellurium scrap

[B1030] Refractory metals containing residues

[B1040] Scrap assemblies from electrical power generation not contaminated with lubricating oil, PCB or PCT to an extent to render them hazardous

[B1050] Mixed non-ferrous metal, heavy fraction scrap, not containing Annex I materials in concentrations sufficient to exhibit Annex III characteristics

[B1060] Waste Selenium and Tellurium in metallic elemental form including powder

[B1070] Waste of copper and copper alloys in dispersible form, unless they contain Annex I constituents to an extent that they exhibit Annex III characteristics

[B1080] Zinc ash and residues including zinc alloys residues in dispersible form unless containing Annex I constituents in concentration such as to exhibit Annex III characteristics or exhibiting hazard characteristic H4.3

[B1090] Waste batteries conforming to a specification, excluding those made with lead, cadmium or mercury

[B1100] Metal-bearing wastes arising from melting, smelting and refining of metals:

- Hard zinc spelter
- Zinc-containing drosses:
 - Galvanizing slab zinc top dross (>90% Zn)
 - Galvanizing slab zinc bottom dross (>92% Zn)
 - Zinc die casting dross (>85% Zn)
 - Hot dip galvanizers slab zinc dross (batch)(>92% Zn)
 - Zinc skimmings
- Aluminium skimmings (or skims) excluding salt slag
- Slags from copper processing for further processing or refining not containing arsenic, lead or cadmium to an extent that they exhibit Annex III hazard characteristics
- Wastes of refractory linings, including crucibles, originating from copper smelting
- Slags from precious metals processing for further refining
- Tantalum bearing tin slags with less than 0.5% tin

[B1110] Electrical and electronic assemblies:

- Electronic assemblies consisting only of metals or alloys
- Waste electrical and electronic assemblies or scrap (including printed circuit boards) not containing components such as accumulators and other batteries included on list A, mercury-switches, glass from cathode-ray tubes and other activated glass and PCB-capacitors, or not contaminated with Annex I constituents (e.g. cadmium, mercury, lead, polychlorinated biphenyl) or from which these have been removed, to an extent that they do not possess any of the characteristics contained in Annex III (Note the related entry on list A [A1180])
- Electrical and electronic assemblies (including printed circuit boards, electronic components and wires) destined for direct re-use, and not for recycling or final disposal

[B1120] Spent catalysts excluding liquids used as catalysts, containing any of:

Transition	Scandium	Titanium
Metals,	Vanadium	Chromium
excluding waste	Manganese	Iron
catalysts (spent	Cobalt	Nickel
catalysts,	Copper	Zinc
liquid used catalysts	Yttrium	Zirconium
or other catalysts)	Niobium	Molybdenum
on list A:	Hafnium	Tantalum
	Tungsten	Rhenium

Lanthanides (rare earth metals):

Lanthanum	Cerium
Praseodymium	Neody
Samarium	Europium
Gadolinium	Terbium
Dysprosium	Holmium
Erbium	Thulium
Ytterbium	Lutetium

[B1130] Cleaned spent precious-metal-bearing catalysts

[B1140] Precious-metal-bearing residues in solid form which contain traces of inorganic cyanides

[B1150] Precious metals and alloy wastes (gold, silver, the platinum group, but not mercury) in a dispersible, non-liquid form with appropriate packaging and labeling

[B1160] Precious-metal ash from the incineration of printed circuit boards (Note the related entry on list A [A1150])

[B1170] Precious-metal ash from the incineration of photographic film

[B1180] Waste photographic film containing silver halides and metallic silver

[B1190] Waste photographic paper containing silver halides and metallic silver

[B1200] Granulated slag arising from the manufacture of iron and steel

[B1210] Slag arising from the manufacture of iron and steel including slags as a source of TiO₂ and Vanadium

[B1220] Slag from zinc production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g.: DIN 4301) mainly for construction

[B1230] Mill scaling arising from the manufacture of iron and steel

[B1240] Copper oxide mill-scale

[B2] Wastes containing principally inorganic constituents, which may contain metals and organic materials

[B2010] Wastes from mining operations in non-dispersible form:

- Natural graphite waste
- Slate waste, whether or not roughly trimmed or merely cut, by sawing or otherwise
- Mica waste
- Leucite, nepheline and nepheline syenite waste
- Feldspar waste
- Fluorspar waste
- Silica wastes in solid form excluding those used in foundry operations

[B2020] Glass waste in non-dispersible form:

- Cullet and other waste and scrap of glass except for glass from cathode-ray tubes and other activated glasses

[B2030] Ceramic wastes in non-dispersible form:

- Cermet wastes and scrap (metal ceramic composites)
- Ceramic based fibres not elsewhere specified or included

[B2040] Other wastes containing principally inorganic constituents:

- Partially refined calcium sulphate produced from flue-gas desulphurization (FGD)
- Waste gypsum wallboard or plasterboard arising from the demolition of buildings
- Slag from copper production, chemically stabilized, having a high iron content (above 20%) and processed according to industrial specifications (e.g. DIN 4301 and DIN 8201) mainly for construction and abrasive applications
- Sulphur in solid form
- Limestone from the production of calcium cyanamide (having a pH less than 9)
- Sodium, potassium, calcium chlorides
- Carborundum (silicon carbide)
- Broken concrete
- Lithium-Tantalum and Lithium-Niobium containing glass scraps

[B2050] Coal-fired power plant fly-ash, not included on list A (Note the related entry on list A [A2060])

[B2060] Spent activated carbon resulting from the treatment of potable water and processes of the food industry and vitamin production (Note the related entry on list A [A4160])

[B2070] Calcium fluoride sludge

[B2080] Waste gypsum arising from chemical industry processes not included on list A (Note the related entry on list A [A2040])

[B2090] Waste anode butts from steel or aluminium production made of petroleum coke or bitumen and cleaned to normal industry specifications (excluding anode butts from chlor alkali electrolyses and from metallurgical industry)

[B2100] Waste hydrates of aluminium and waste alumina and residues from alumina production excluding such materials used for gas cleaning, flocculation or filtration processes

[B2110] Bauxite residue ("red mud") (pH moderated to less than 11.5)

[B2120] Waste acidic or basic solutions with a pH greater than 2 and less than 11.5, which are not corrosive or otherwise hazardous (Note the related entry on list A [A4090])

[B3] Wastes containing principally organic constituents, which may contain metals and inorganic materials

[B3010] Solid plastic waste:

The following plastic or mixed plastic materials, provided they are not mixed with other wastes and are prepared to a specification:

- Scrap plastic of non-halogenated polymers and co-polymers, including but not limited to the following:
 - ethylene
 - styrene
 - polypropylene
 - polyethylene terephthalate
 - acrylonitrile
 - butadiene
 - polyacetals
 - polyamides
 - polybutylene terephthalate
 - polycarbonates
 - polyethers
 - polyphenylene sulphides
 - acrylic polymers
 - alkanes C10-C13 (plasticiser)
 - polyurethane (not containing CFCs)
 - polysiloxanes
 - polymethyl methacrylate
 - polyvinyl alcohol
 - polyvinyl butyral
 - polyvinyl acetate
- Cured waste resins or condensation products including the following:
 - urea formaldehyde resins
 - phenol formaldehyde resins
 - melamine formaldehyde resins
 - epoxy resins
 - alkyd resins
 - polyamides
- The following fluorinated polymer wastes
 - Perfluoroethylene/propylene (FEP)
 - Perfluoroalkoxy alkane (PFA)
 - Perfluoroalkoxy alkane (MFA)
 - Polyvinylfluoride (PVF)
 - Polyvinylidene fluoride (PVDF)

[B3020] Paper, paperboard and paper product wastes

The following materials, provided they are not mixed with hazardous wastes:

Waste and scrap of paper or paperboard of:

- unbleached paper or paperboard or of corrugated paper or paperboard
- other paper or paperboard, made mainly of bleached chemical pulp, not coloured in the mass
- paper or paperboard made mainly of mechanical pulp (for example, newspapers, journals and similar printed matter)
- other, including but not limited to 1) laminated paperboard 2) unsorted scrap.

[B3030] Textile wastes

The following materials, provided they are not mixed with other wastes and are prepared to a specification:

- Silk waste (including cocoons unsuitable for reeling, yarn waste and garnetted stock)
 - not carded or combed
 - other
- Waste of wool or of fine or coarse animal hair, including yarn waste but excluding garnetted stock
 - noils of wool or of fine animal hair
 - other waste of wool or of fine animal hair

- waste of coarse animal hair
- Cotton waste (including yarn waste and garnetted stock)
 - yarn waste (including thread waste)
 - garnetted stock
 - other
- Flax tow and waste
- Tow and waste (including yarn waste and garnetted stock) of true hemp (*Cannabis sativa* L.)
- Tow and waste (including yarn waste and garnetted stock) of jute and other textile bast fibres (excluding flax, true hemp and ramie)
- Tow and waste (including yarn waste and garnetted stock) of sisal and other textile fibres of the genus *Agave*
- Tow, noils and waste (including yarn waste and garnetted stock) of coconut
- Tow, noils and waste (including yarn waste and garnetted stock) of abaca (*Manila hemp* or *Musa textilis* Nee)
- Tow, noils and waste (including yarn waste and garnetted stock) of ramie and other vegetable textile fibres, not elsewhere specified or included
- Waste (including noils, yarn waste and garnetted stock) of man-made fibres
 - of synthetic fibres
 - of artificial fibres
- Worn clothing and other worn textile articles
- Used rags, scrap twine, cordage, rope and cables and worn out articles of twine, cordage, rope or cables of textile materials
 - sorted
 - other

[B3040] Rubber wastes

The following materials, provided they are not mixed with other wastes:

- Waste and scrap of hard rubber (e.g. ebonite)
- Other rubber wastes (excluding such wastes specified elsewhere)

[B3050] Untreated cork and wood waste:

- Wood waste and scrap, whether or not agglomerated in logs, briquettes, pellets or similar forms
- Cork waste: crushed, granulated or ground cork

[B3060] Wastes arising from agro-food industries provided it is not infectious:

- Wine lees
- Dried and sterilized vegetable waste, residues and byproducts, whether or not in the form of pellets, of a kind used in animal feeding, not elsewhere specified or included
- Degras: residues resulting from the treatment of fatty substances or animal or vegetable waxes
- Waste of bones and horn-cores, unworked, defatted, simply prepared (but not cut to shape), treated with acid or degelatinised
- Fish waste
- Cocoa shells, husks, skins and other cocoa waste
- Other wastes from the agro-food industry excluding by-products which meet national and international requirements and standards for human or animal consumption

[B3070] The following wastes:

- Waste of human hair
- Waste straw
- Deactivated fungus mycelium from penicillin production to be used as animal feed

[B3080] Waste parings and scrap of rubber

[B3090] Paring and other wastes of leather or of composition leather not suitable for the manufacture of leather articles, excluding leather sludges, not containing hexavalent chromium compounds and biocides (Note the related entry on list A [A3100])

[B3100] Leather dust, ash, sludges or flours not containing hexavalent chromium compounds or biocides (Note the related entry on list A [A3090])

[B3110] Fellingmongery wastes not containing hexavalent chromium compounds or biocides or infectious substances (Note the related entry on list A [A3110])

[B3120] Wastes consisting of food dyes

[B3130] Waste polymer ethers and waste non-hazardous monomer ethers incapable of forming peroxides

[B3140] Waste pneumatic tyres, excluding those destined for Annex IV.A operations

[B4] Wastes which may contain either inorganic or organic constituents

[B4010] Wastes consisting mainly of water-based/latex paints, inks and hardened varnishes not containing organic solvents, heavy metals or biocides to an extent to render them hazardous (Note the related entry on list A [A4070])

[B4020] Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives, not listed on list A, free of solvents and other contaminants to an extent that they do not exhibit Annex III characteristics, e.g. water based, or glues based on casein starch, dextrin, cellulose ethers, polyvinyl alcohols (Note the related entry on list A [A3050])

[B4030] Used single use cameras, with batteries not included on list A

CONVENTION ON BIOLOGICAL DIVERSITY

Adopted at Rio de Janeiro on 5 June 1992

Entered into force 29 December 1993

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-sectoral plans, programmes and policies.

Article 7 IDENTIFICATION AND MONITORING

Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10:

- (a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;
- (b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;
- (c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and
- (d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

Article 8 IN-SITU CONSERVATION

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

- (a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity;
- (b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity;
- (c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
- (d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings;
- (e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas;
- (f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, *inter alia*, through the development and implementation of plans or other management strategies;
- (g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health;

- (h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;
- (i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components;
- (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the 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 measures, as appropriate, with the aim that the private sector facilitates access to, joint development and transfer of technology referred to in paragraph 1 above for the benefit of both governmental institutions and the private sector of developing countries and in this regard shall abide by the 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

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

2. Pursuant to the objectives of this Convention, the Conference of the Parties shall at its first meeting determine the policy, strategy and programme priorities, as well as detailed criteria and guidelines for 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 I 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 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 32 RELATIONSHIP BETWEEN THIS CONVENTION AND ITS PROTOCOLS

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

Article 33 SIGNATURE

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

Article 34 RATIFICATION, ACCEPTANCE OR APPROVAL

- 1. This convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.
- 2. Any organization referred to in paragraph 1 above which becomes a Contracting Party to this Convention or any protocol without any of its member states being a Contracting Party shall be bound by all the obligations under the Convention or the protocol, as the case may be. In the case of such organizations, one or more of

whose member States is a Contracting Party to this Convention or relevant protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention or protocol, as the case may be. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention or relevant protocol concurrently.

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

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 Depository 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 Depository.

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 make those appointments within a further two-month period.

Article 4

If a President of the conciliation commission has not been chosen within two months of the last of the members of the commission being appointed, the Secretary-General of the United Nations shall, if asked to do so by 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.

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Adopted at New York, on 9 May 1992

Enter into force 21 March 1994

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 Depositary that it intends to be bound by subparagraphs (a) and (b) above. The Depositary shall inform the other signatories and Parties of any such notification.

3. The developed country Parties and other developed Parties included in Annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

4. The developed country Parties and other developed Parties included in Annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.

5. The developed country Parties and other developed Parties included in Annex II shall take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organizations in a position to do so may also assist in facilitating the transfer of such technologies.

6. In the implementation of their commitments under paragraph 2 above, a certain degree of flexibility shall be allowed by the Conference of the Parties to the Parties included in Annex I undergoing the process of transition to a market economy, in order to enhance the ability of these Parties to address climate change, including with regard to the historical level of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol chosen as a reference.

7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on:

- (a) Small island countries;
- (b) Countries with low-lying coastal areas;
- (c) Countries with arid and semi-arid areas, forested areas and areas liable to forest decay;
- (d) Countries with areas prone to natural disasters;
- (e) Countries with areas liable to drought and desertification;
- (f) Countries with areas of high urban atmospheric pollution;
- (g) Countries with areas with fragile ecosystems, including mountainous ecosystems;
- (h) Countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products; and
- (i) Land-locked and transit countries.

Further, the Conference of the Parties may take actions, as appropriate, with respect to this paragraph.

9. The Parties shall take full account of the specific needs and special situations of the least developed countries in their actions with regard to funding and transfer of technology.

10. The Parties shall, in accordance with Article 10, take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economies that are vulnerable to the adverse effects of the implementation of measures to respond to climate change. This applies notably to Parties with economies that are highly dependent on income generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

Article 5 RESEARCH AND SYSTEMATIC OBSERVATION

In carrying out their commitments under Article 4, paragraph 1(g), the Parties shall:

- (a) Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort;
- (b) Support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in developing countries, and to promote access to, and the exchange of, data and analyses thereof obtained from areas beyond national jurisdiction; and
- (c) Take into account the particular concerns and needs of developing countries and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.

Article 6 EDUCATION, TRAINING AND PUBLIC AWARENESS

In carrying out their commitments under Article 4, paragraph 1(i), the Parties shall:

- (a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities:
 - (i) The development and implementation of educational and public awareness programmes on climate change and its effects;
 - (ii) Public access to information on climate change and its effects;
 - (iii) Public participation in addressing climate change and its effects and developing adequate responses; and
 - (iv) Training of scientific, technical and managerial personnel.
- (b) Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:
 - (i) The development and exchange of educational and public awareness material on climate change and its effects; and
 - (ii) The development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular for developing countries.

Article 7 CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.

2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:

- (a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;
- (b) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
- (c) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
- (d) Promote and guide, in accordance with the objective and provisions of the Convention, the development and periodic refinement of comparable methodologies, to be agreed on by the Conference of the Parties, *inter alia*, for preparing inventories of greenhouse gas emissions by sources and removals by sinks, and for evaluating the effectiveness of measures to limit the emissions and enhance the removals of these gases;
- (e) Assess, on the basis of all information made available to it in accordance with the provisions of the Convention, the implementation of the Convention by the Parties, the overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;
- (f) Consider and adopt regular reports on the implementation of the Convention and ensure their publication;
- (g) Make recommendations on any matters necessary for the implementation of the Convention;
- (h) Seek to mobilize financial resources in accordance with Article 4, paragraphs 3, 4 and 5, and Article 11;
- (i) Establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;
- (j) Review reports submitted by its subsidiary bodies and provide guidance to them;
- (k) Agree upon and adopt, by consensus, rules of procedure and financial rules for itself and for any subsidiary bodies;
- (l) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and
- (m) Exercise such other functions as are required for the achievement of the objective of the Convention as well as all other functions assigned to it under the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in Article 21 and shall take place not later than one year after the date of entry into force of the Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties.

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

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or on-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 Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to the Convention.

5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 16 ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION

1. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto. Without prejudice to the provisions of Article 14, paragraphs 2(b) and 7, such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

2. Annexes to the Convention shall be proposed and adopted in accordance with the procedure set forth in Article 15, paragraphs 2, 3 and 4.

3. An annex that has been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex. The annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

4. The proposal, adoption and entry into force of amendments to annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of annexes to the Convention in accordance with paragraphs 2 and 3 above.

5. If the adoption of an annex or an amendment to an annex involves an amendment to the Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

Article 17 PROTOCOLS

1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.
2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session.
3. The requirements for the entry into force of any protocol shall be established by that instrument.
4. Only Parties to the Convention may be Parties to a protocol.
5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned.

Article 18 RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 19 DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of the Convention and of protocols adopted in accordance with Article 17.

Article 20 SIGNATURE

This Convention shall be open for signature by States Members of the United Nations or of any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations at Rio de Janeiro, during the United Nations Conference on Environment and Development, and thereafter at United Nations Headquarters in New York from 20 June 1992 to 19 June 1993.

Article 21 INTERIM ARRANGEMENTS

1. The secretariat functions referred to in Article 8 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 45/212 of 21 December 1990, until the completion of the first session of the Conference of the Parties.
2. The head of the interim secretariat referred to in paragraph 1 above will cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the need for objective scientific and technical advice. Other relevant scientific bodies could also be consulted.
3. The Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the international entity entrusted with the operation of the financial mechanism referred to in Article 11 on an interim basis. In this connection, the Global Environment Facility should be appropriately restructured and its membership made universal to enable it to 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 Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 23 ENTRY INTO FORCE

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.
2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

Article 24 RESERVATIONS

No reservations may be made to the Convention.

Article 25 WITHDRAWAL

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

Article 26 AUTHENTIC TEXTS

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

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

DONE at New York this ninth day of May one thousand nine hundred and ninety-two.

ANNEX I

- | | |
|-----------------------------|------------------------------|
| Australia | Latvia <i>a/</i> |
| Austria | Lithuania <i>a/</i> |
| Belarus <i>a/</i> | Luxembourg |
| Belgium | Netherlands |
| Bulgaria <i>a/</i> | New Zealand |
| Canada | Norway |
| Czechoslovakia <i>a/</i> | Poland <i>a/</i> |
| Denmark | Portugal |
| European Economic Community | Romania <i>a/</i> |
| Estonia <i>a/</i> | Russian Federation <i>a/</i> |
| Finland | Spain |
| France | Sweden |
| Germany | Switzerland |
| Greece | Turkey |
| Hungary <i>a/</i> | Ukraine <i>a/</i> |
| Iceland | United Kingdom of Great |
| Ireland | Britain and Northern Ireland |
| Italy | United States of America |
| Japan | |

a/ Countries that are undergoing the process of transition to a market economy.

ANNEX II

- | | |
|-----------------------------|------------------------------|
| Australia | Luxembourg |
| Austria | Netherlands |
| Belgium | New Zealand |
| Canada | Norway |
| Denmark | Portugal |
| European Economic Community | Spain |
| Finland | Sweden |
| France | Switzerland |
| Germany | Turkey |
| Greece | United Kingdom of Great |
| Iceland | Britain and Northern Ireland |
| Ireland | United States of America |
| Italy | |
| Japan | |

KYOTO PROTOCOL TO THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

Adopted at Kyoto on 11 December 1997
Not yet in force.

The Parties to this Protocol,

Being Parties to the United Nations Framework Convention on Climate Change, hereinafter referred to as "the Convention",

In pursuit of the ultimate objective of the Convention as stated in its Article 2,

Recalling the provisions of the Convention,

Being guided by Article 3 of the Convention,

Pursuant to the Berlin Mandate adopted by decision 1/CP.1 of the Conference of the Parties to the Convention at its first session,

Have agreed as follows:

Article 1

For the purposes of this Protocol, the definitions contained in Article 1 of the Convention shall apply. In addition:

1. "Conference of the Parties" means the Conference of the Parties to the Convention.
2. "Convention" means the United Nations Framework Convention on Climate Change, adopted in New York on 9 May 1992.
3. "Intergovernmental Panel on Climate Change" means the Intergovernmental Panel on Climate Change established in 1988 jointly by the World Meteorological Organization and the United Nations Environment Programme.
4. "Montreal Protocol" means the Montreal Protocol on Substances that Deplete the Ozone Layer, adopted in Montreal on 16 September 1987 and as subsequently adjusted and amended.
5. "Parties present and voting" means Parties present and casting an affirmative or negative vote.
6. "Party" means, unless the context otherwise indicates, a Party to this Protocol.
7. "Party included in Annex I" means a Party included in Annex I to the Convention, as may be amended, or a Party which has made a notification under Article 4, paragraph 2(g), of the Convention.

Article 2

1. Each Party included in Annex I, in achieving its quantified emission limitation and reduction commitments under Article 3, in order to promote sustainable development, shall:
 - (a) Implement and/or further elaborate policies and measures in accordance with its national circumstances, such as:
 - (i) Enhancement of energy efficiency in relevant sectors of the national economy;

(ii) Protection and enhancement of sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol, taking into account its commitments under relevant international environmental agreements; promotion of sustainable forest management practices, afforestation and reforestation;

(iii) Promotion of sustainable forms of agriculture in light of climate change considerations;

(iv) Research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies;

(v) Progressive reduction or phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all greenhouse gas emitting sectors that run counter to the objective of the Convention and application of market instruments;

(vi) Encouragement of appropriate reforms in relevant sectors aimed at promoting policies and measures which limit or reduce emissions of greenhouse gases not controlled by the Montreal Protocol;

(vii) Measures to limit and/or reduce emissions of greenhouse gases not controlled by the Montreal Protocol in the transport sector;

(viii) Limitation and/or reduction of methane emissions through recovery and use in waste management, as well as in the production, transport and distribution of energy;

(b) Cooperate with other such Parties to enhance the individual and combined effectiveness of their policies and measures adopted under this Article, pursuant to Article 4, paragraph 2(e)(i), of the Convention. To this end, these Parties shall take steps to share their experience and exchange information on such policies and measures, including developing ways of improving their comparability, transparency and effectiveness. The Conference of Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, consider ways to facilitate such cooperation, taking into account all relevant information.

2. The Parties included in Annex I shall pursue limitation or reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from aviation and marine bunker fuels, working through the International Civil Aviation Organization and the International Maritime Organization, respectively.

3. The Parties included in Annex I shall strive to implement policies and measures under this Article in such a way as to minimize adverse effects, including the adverse effects of climate change, effects on international trade, and social, environmental and economic impacts on other Parties, especially developing country Parties and in particular those identified in Article 4, paragraphs 8 and 9, of the Convention, taking into account Article 3 of the Convention. The Conference of the Parties serving as the meeting of the Parties to this Protocol may take further action, as appropriate, to promote the implementation of the provisions of this paragraph.

4. The Conference of the Parties serving as the meeting of the Parties to this Protocol, if it decides that it would be beneficial to coordinate any of the policies and measures in paragraph 1 (a) above, taking into account different national circumstances and potential effects, shall consider ways and means to elaborate the coordination of such policies and measures.

Article 3

1. The Parties included in Annex I shall, individually or jointly, ensure that their aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts, calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of this Article, with a view to reducing their overall emissions of such gases by at least 5 per cent below 1990 levels in the commitment period 2008 to 2012.

2. Each Party included in Annex I shall, by 2005, have made demonstrable progress in achieving its commitments under this Protocol.

3. The net changes in greenhouse gas emissions by sources and removals by sinks resulting from direct human-induced land-use change and forestry activities, limited to afforestation, reforestation and deforestation since 1990, measured as verifiable changes in carbon stocks in each commitment period, shall be used to meet the commitments under this Article of each Party included in Annex I. The greenhouse gas emissions by sources and removals by sinks associated with those activities shall be reported in a transparent and verifiable manner and reviewed in accordance with Articles 7 and 8.
4. Prior to the first session of the Conference of the Parties serving as the meeting of the Parties to this Protocol, each Party included in Annex I shall provide, for consideration by the Subsidiary Body for Scientific and Technological Advice, data to establish its level of carbon stocks in 1990 and to enable an estimate to be made of its changes in carbon stocks in subsequent years. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, decide upon modalities, rules and guidelines as to how, and which, additional human-induced activities related to changes in greenhouse gas emissions by sources and removals by sinks in the agricultural soils and the land-use change and forestry categories shall be added to, or subtracted from, the assigned amounts for Parties included in Annex I, taking into account uncertainties, transparency in reporting, verifiability, the methodological work of the Intergovernmental Panel on Climate Change, the advice provided by the Subsidiary Body for Scientific and Technological Advice in accordance with Article 5 and the decisions of the Conference of the Parties. Such a decision shall apply in the second and subsequent commitment periods. A Party may choose to apply such a decision on these additional human-induced activities for its first commitment period, provided that these activities have taken place since 1990.
5. The Parties included in Annex I undergoing the process of transition to a market economy whose base year or period was established pursuant to decision 9/CP.2 of the Conference of the Parties at its second session shall use that base year or period for the implementation of their commitments under this Article. Any other Party included in Annex I undergoing the process of transition to a market economy which has not yet submitted its first national communication under Article 12 of the Convention may also notify the Conference of the Parties serving as the meeting of the Parties to this Protocol that it intends to use an historical base year or period other than 1990 for the implementation of its commitments under this Article. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall decide on the acceptance of such notification.
6. Taking into account Article 4, paragraph 6, of the Convention, in the implementation of their commitments under this Protocol other than those under this Article, a certain degree of flexibility shall be allowed by the Conference of the Parties serving as the meeting of the Parties to this Protocol to the Parties included in Annex I undergoing the process of transition to a market economy.
7. In the first quantified emission limitation and reduction commitment period, from 2008 to 2012, the assigned amount for each Party included in Annex I shall be equal to the percentage inscribed for it in Annex B of its aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A in 1990, or the base year or period determined in accordance with paragraph 5 above, multiplied by five. Those Parties included in Annex I for whom land-use change and forestry constituted a net source of greenhouse gas emissions in 1990 shall include in their 1990 emissions base year or period the aggregate anthropogenic carbon dioxide equivalent emissions by sources minus removals by sinks in 1990 from land-use change for the purposes of calculating their assigned amount.
8. Any Party included in Annex I may use 1995 as its base year for hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride, for the purposes of the calculation referred to in paragraph 7 above.
9. Commitments for subsequent periods for Parties included in Annex I shall be established in amendments to Annex B to this Protocol, which shall be adopted in accordance with the provisions of Article 21, paragraph 7. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall initiate the consideration of such commitments at least seven years before the end of the first commitment period referred to in paragraph 1 above.
10. Any emission reduction units, or any part of an assigned amount, which a Party acquires from another Party in accordance with the provisions of Article 6 or of Article 17 shall be added to the assigned amount for the acquiring Party.

11. Any emission reduction units, or any part of an assigned amount, which a Party transfers to another Party in accordance with the provisions of Article 6 or of Article 17 shall be subtracted from the assigned amount for the transferring Party.

12. Any certified emission reductions which a Party acquires from another Party in accordance with the provisions of Article 12 shall be added to the assigned amount for the acquiring Party.

13. If the emissions of a Party included in Annex I in a commitment period are less than its assigned amount under this Article, this difference shall, on request of that Party, be added to the assigned amount for that Party for subsequent commitment periods.

14. Each Party included in Annex I shall strive to implement the commitments mentioned in paragraph 1 above in such a way as to minimize adverse social, environmental and economic impacts on developing country Parties, particularly those identified in Article 4, paragraphs 8 and 9, of the Convention. In line with relevant decisions of the Conference of the Parties on the implementation of those paragraphs, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, consider what actions are necessary to minimize the adverse effects of climate change and/or the impacts of response measures on Parties referred to in those paragraphs. Among the issues to be considered shall be the establishment of funding, insurance and transfer of technology.

Article 4

1. Any Parties included in Annex I that have reached an agreement to fulfil their commitments under Article 3 jointly, shall be deemed to have met those commitments provided that their total combined aggregate anthropogenic carbon dioxide equivalent emissions of the greenhouse gases listed in Annex A do not exceed their assigned amounts calculated pursuant to their quantified emission limitation and reduction commitments inscribed in Annex B and in accordance with the provisions of Article 3. The respective emission level allocated to each of the Parties to the agreement shall be set out in that agreement.

2. The Parties to any such agreement shall notify the secretariat of the terms of the agreement on the date of deposit of their instruments of ratification, acceptance or approval of this Protocol, or accession thereto. The secretariat shall in turn inform the Parties and signatories to the Convention of the terms of the agreement.

3. Any such agreement shall remain in operation for the duration of the commitment period specified in Article 3, paragraph 7.

4. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organisation, any alteration in the composition of the organisation after adoption of this Protocol shall not affect existing commitments under this Protocol. Any alteration in the composition of the organisation shall only apply for the purposes of those commitments under Article 3 that are adopted subsequent to that alteration.

5. In the event of failure by the Parties to such an agreement to achieve their total combined level of emission reductions, each Party to that agreement shall be responsible for its own level of emissions set out in the agreement.

6. If Parties acting jointly do so in the framework of, and together with, a regional economic integration organisation which is itself a Party to this Protocol, each member State of that regional economic integration organisation individually, and together with the regional economic integration organisation acting in accordance with Article 24, shall, in the event of failure to achieve the total combined level of emission reductions, be responsible for its level of emissions as notified in accordance with this Article.

Article 5

1. Each Party included in Annex I shall have in place, no later than one year prior to the start of the first commitment period, a national system for the estimation of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol. Guidelines for such national systems,

which shall incorporate the methodologies specified in paragraph 2 below, shall be decided upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session.

2. Methodologies for estimating anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol shall be those accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties at its third session. Where such methodologies are not used, appropriate adjustments shall be applied according to methodologies agreed upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first session. Based on the work of, *inter alia*, the Intergovernmental Panel on Climate Change and advice provided by the Subsidiary Body for Scientific and Technological Advice, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall regularly review and, as appropriate, revise such methodologies and adjustments, taking fully into account any relevant decisions by the Conference of the Parties. Any revision to methodologies or adjustments shall be used only for the purposes of ascertaining compliance with commitments under Article 3 in respect of any commitment period adopted subsequent to that revision.

3. The global warming potentials used to calculate the carbon dioxide equivalence of anthropogenic emissions by sources and removals by sinks of greenhouse gases listed in Annex A shall be those accepted by the Intergovernmental Panel on Climate Change and agreed upon by the Conference of the Parties at its third session. Based on the work of, *inter alia*, the Intergovernmental Panel on Climate Change and advice provided by the Subsidiary Body for Scientific and Technological Advice, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall regularly review and, as appropriate, revise the global warming potential of each such greenhouse gas, taking fully into account any relevant decisions by the Conference of the Parties. Any revision to a global warming potential shall apply only to commitments under Article 3 in respect of any commitment period adopted subsequent to that revision.

Article 6

1. For the purpose of meeting its commitments under Article 3, any Party included in Annex I may transfer to, or acquire from, any other such Party emission reduction units resulting from projects aimed at reducing anthropogenic emissions by sources or enhancing anthropogenic removals by sinks of greenhouse gases in any sector of the economy, provided that:

(a) Any such project has the approval of the Parties involved;

(b) Any such project provides a reduction in emissions by sources, or an enhancement of removals by sinks, that is additional to any that would otherwise occur;

(c) It does not acquire any emission reduction units if it is not in compliance with its obligations under Articles 5 and 7; and

(d) The acquisition of emission reduction units shall be supplemental to domestic actions for the purposes of meeting commitments under Article 3.

2. The Conference of the Parties serving as the meeting of the Parties to this Protocol may, at its first session or as soon as practicable thereafter, further elaborate guidelines for the implementation of this Article, including for verification and reporting.

3. A Party included in Annex I may authorize legal entities to participate, under its responsibility, in actions leading to the generation, transfer or acquisition under this Article of emission reduction units.

4. If a question of implementation by a Party included in Annex I of the requirements referred to in this Article is identified in accordance with the relevant provisions of Article 8, transfers and acquisitions of emission reduction units may continue to be made after the question has been identified, provided that any such units may not be used by a Party to meet its commitments under Article 3 until any issue of compliance is resolved.

Article 7

1. Each Party included in Annex I shall incorporate in its annual inventory of anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol, submitted in accordance with the relevant decisions of the Conference of the Parties, the necessary supplementary information for the purposes of ensuring compliance with Article 3, to be determined in accordance with paragraph 4 below.
2. Each Party included in Annex I shall incorporate in its national communication, submitted under Article 12 of the Convention, the supplementary information necessary to demonstrate compliance with its commitments under this Protocol, to be determined in accordance with paragraph 4 below.
3. Each Party included in Annex I shall submit the information required under paragraph 1 above annually, beginning with the first inventory due under the Convention for the first year of the commitment period after this Protocol has entered into force for that Party. Each such Party shall submit the information required under paragraph 2 above as part of the first national communication due under the Convention after this Protocol has entered into force for it and after the adoption of guidelines as provided for in paragraph 4 below. The frequency of subsequent submission of information required under this Article shall be determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol, taking into account any timetable for the submission of national communications decided upon by the Conference of the Parties.
4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the preparation of the information required under this Article, taking into account guidelines for the preparation of national communications by Parties included in Annex I adopted by the Conference of the Parties. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall also, prior to the first commitment period, decide upon modalities for the accounting of assigned amounts.

Article 8

1. The information submitted under Article 7 by each Party included in Annex I shall be reviewed by expert review teams pursuant to the relevant decisions of the Conference of the Parties and in accordance with guidelines adopted for this purpose by the Conference of the Parties serving as the meeting of the Parties to this Protocol under paragraph 4 below. The information submitted under Article 7, paragraph 1, by each Party included in Annex I shall be reviewed as part of the annual compilation and accounting of emissions inventories and assigned amounts. Additionally, the information submitted under Article 7, paragraph 2, by each Party included in Annex I shall be reviewed as part of the review of communications.
2. Expert review teams shall be coordinated by the secretariat and shall be composed of experts selected from those nominated by Parties to the Convention and, as appropriate, by intergovernmental organisations, in accordance with guidance provided for this purpose by the Conference of the Parties.
3. The review process shall provide a thorough and comprehensive technical assessment of all aspects of the implementation by a Party of this Protocol. The expert review teams shall prepare a report to the Conference of the Parties serving as the meeting of the Parties to this Protocol, assessing the implementation of the commitments of the Party and identifying any potential problems in, and factors influencing, the fulfilment of commitments. Such reports shall be circulated by the secretariat to all Parties to the Convention. The secretariat shall list those questions of implementation indicated in such reports for further consideration by the Conference of the Parties serving as the meeting of the Parties to this Protocol.
4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall adopt at its first session, and review periodically thereafter, guidelines for the review of implementation of this Protocol by expert review teams taking into account the relevant decisions of the Conference of the Parties.
5. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, with the assistance of the Subsidiary Body for Implementation and, as appropriate, the Subsidiary Body for Scientific and Technological Advice, consider:

(a) The information submitted by Parties under Article 7 and the reports of the expert reviews thereon conducted under this Article; and

(b) Those questions of implementation listed by the secretariat under paragraph 3 above, as well as any questions raised by Parties.

6. Pursuant to its consideration of the information referred to in paragraph 5 above, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall take decisions on any matter required for the implementation of this Protocol.

Article 9

1. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall periodically review this Protocol in the light of the best available scientific information and assessments on climate change and its impacts, as well as relevant technical, social and economic information. Such reviews shall be coordinated with pertinent reviews under the Convention, in particular those required by Article 4, paragraph 2(d), and Article 7, paragraph 2(a), of the Convention. Based on these reviews, the Conference of the Parties serving as the meeting of the Parties to this Protocol shall take appropriate action.

2. The first review shall take place at the second session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. Further reviews shall take place at regular intervals and in a timely manner.

Article 10

All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, without introducing any new commitments for Parties not included in Annex I, but reaffirming existing commitments under Article 4, paragraph 1, of the Convention, and continuing to advance the implementation of these commitments in order to achieve sustainable development, taking into account Article 4, paragraphs 3, 5 and 7, of the Convention, shall:

(a) Formulate, where relevant and to the extent possible, cost-effective national and, where appropriate, regional programmes to improve the quality of local emission factors, activity data and/or models which reflect the socio-economic conditions of each Party for the preparation and periodic updating of 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, and consistent with the guidelines for the preparation of national communications adopted 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 and measures to facilitate adequate adaptation to climate change:

(i) Such programmes would, *inter alia*, concern the energy, transport and industry sectors as well as agriculture, forestry and waste management. Furthermore, adaptation technologies and methods for improving spatial planning would improve adaptation to climate change; and

(ii) Parties included in Annex I shall submit information on action under this Protocol, including national programmes, in accordance with Article 7, and other Parties shall seek to include in their national communications, as appropriate, information on programmes which contain measures that the Party believes contribute to addressing climate change and its adverse impacts, including the abatement of increases in greenhouse gas emissions, and enhancement of and removals by sinks, capacity building and adaptation measures;

(c) Cooperate in the promotion of effective modalities for the development, application and diffusion of, and take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies, know-how, practices and processes pertinent to climate change, in

particular to developing countries, including the formulation of policies and programmes for the effective transfer of environmentally sound technologies that are publicly owned or in the public domain and the creation of an enabling environment for the private sector, to promote and enhance the transfer of, and access to, environmentally sound technologies;

(d) Cooperate in scientific and technical research and promote the maintenance and the development of systematic observation systems and development of data archives to reduce uncertainties related to the climate system, the adverse impacts of climate change and the economic and social consequences of various response strategies, and promote the development and strengthening of endogenous capacities and capabilities to participate in international and intergovernmental efforts, programmes and networks on research and systematic observation, taking into account Article 5 of the Convention;

(e) Cooperate in and promote at the international level, and, where appropriate, using existing bodies, the development and implementation of education and training programmes, including the strengthening of national capacity building, in particular human and institutional capacities and the exchange or secondment of personnel to train experts in this field, in particular for developing countries, and facilitate at the national level public awareness of, and public access to information on, climate change. Suitable modalities should be developed to implement these activities through the relevant bodies of the Convention, taking into account Article 6 of the Convention;

(f) Include in their national communications information on programmes and activities undertaken pursuant to this Article in accordance with relevant decisions of the Conference of the Parties; and

(g) Give full consideration, in implementing the commitments under this Article, to Article 4, paragraph 8, of the Convention.

Article 11

1. In the implementation of Article 10, Parties shall take into account the provisions of Article 4, paragraphs 4, 5, 7, 8 and 9, of the Convention.

2. In the context of the implementation of Article 4, paragraph 1, of the Convention, in accordance with the provisions of Article 4, paragraph 3, and Article 11 of the Convention, and through the entity or entities entrusted with the operation of the financial mechanism of the Convention, the developed country Parties and other developed Parties included in Annex II to the Convention shall:

(a) Provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in advancing the implementation of existing commitments under Article 4, paragraph 1 (a), of the Convention that are covered in Article 10, subparagraph (a); and

(b) Also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of advancing the implementation of existing commitments under Article 4, paragraph 1, of the Convention that are covered by Article 10 and that are agreed between a developing country Party and the international entity or entities referred to in Article 11 of the Convention, in accordance with that Article.

The implementation of these existing commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among developed country Parties. The guidance to the entity or entities entrusted with the operation of the financial mechanism of the Convention in relevant decisions of the Conference of the Parties, including those agreed before the adoption of this Protocol, shall apply *mutatis mutandis* to the provisions of this paragraph.

3. The developed country Parties and other developed Parties in Annex II to the Convention may also provide, and developing country Parties avail themselves of, financial resources for the implementation of Article 10, through bilateral, regional and other multilateral channels.

Article 12

1. A clean development mechanism is hereby defined.
2. The purpose of the clean development mechanism shall be to assist Parties not included in Annex I in achieving sustainable development and in contributing to the ultimate objective of the Convention, and to assist Parties included in Annex I in achieving compliance with their quantified emission limitation and reduction commitments under Article 3.
3. Under the clean development mechanism:
 - (a) Parties not included in Annex I will benefit from project activities resulting in certified emission reductions; and
 - (b) Parties included in Annex I may use the certified emission reductions accruing from such project activities to contribute to compliance with part of their quantified emission limitation and reduction commitments under Article 3, as determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol.
4. The clean development mechanism shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to this Protocol and be supervised by an executive board of the clean development mechanism.
5. Emission reductions resulting from each project activity shall be certified by operational entities to be designated by the Conference of the Parties serving as the meeting of the Parties to this Protocol, on the basis of:
 - (a) Voluntary participation approved by each Party involved;
 - (b) Real, measurable, and long-term benefits related to the mitigation of climate change; and
 - (c) Reductions in emissions that are additional to any that would occur in the absence of the certified project activity.
6. The clean development mechanism shall assist in arranging funding of certified project activities as necessary.
7. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, elaborate modalities and procedures with the objective of ensuring transparency, efficiency and accountability through independent auditing and verification of project activities.
8. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall ensure that a share of the proceeds from certified project activities is used to cover administrative expenses as well as to assist developing country Parties that are particularly vulnerable to the adverse effects of climate change to meet the costs of adaptation.
9. Participation under the clean development mechanism, including in activities mentioned in paragraph 3(a) above and in the acquisition of certified emission reductions, may involve private and/or public entities, and is to be subject to whatever guidance may be provided by the executive board of the clean development mechanism.
10. Certified emission reductions obtained during the period from the year 2000 up to the beginning of the first commitment period can be used to assist in achieving compliance in the first commitment period.

Article 13

1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Protocol.

2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by those that are Parties to this Protocol.
3. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol.
4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall:
- (a) Assess, on the basis of all information made available to it in accordance with the provisions of this Protocol, the implementation of this Protocol by the Parties, the overall effects of the measures taken pursuant to this Protocol, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;
 - (b) Periodically examine the obligations of the Parties under this Protocol, giving due consideration to any reviews required by Article 4, paragraph 2(d), and Article 7, paragraph 2, of the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge, and in this respect consider and adopt regular reports on the implementation of this Protocol;
 - (c) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under this Protocol;
 - (d) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under this Protocol;
 - (e) Promote and guide, in accordance with the objective of the Convention and the provisions of this Protocol, and taking fully into account the relevant decisions by the Conference of the Parties, the development and periodic refinement of comparable methodologies for the effective implementation of this Protocol, to be agreed on by the Conference of the Parties serving as the meeting of the Parties to this Protocol;
 - (f) Make recommendations on any matters necessary for the implementation of this Protocol;
 - (g) Seek to mobilize additional financial resources in accordance with Article 11, paragraph 2;
 - (h) Establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol;
 - (i) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organisations and intergovernmental and non-governmental bodies; and
 - (j) Exercise such other functions as may be required for the implementation of this Protocol, and consider any assignment resulting from a decision by the Conference of the Parties.
5. The rules of procedure of the Conference of the Parties and financial procedures applied under the Convention shall be applied *mutatis mutandis* under this Protocol, except as may be otherwise decided by consensus by the Conference of the Parties serving as the meeting of the Parties to this Protocol.
6. The first session of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be convened by the secretariat in conjunction with the first session of the Conference of the Parties that is scheduled after the date of the entry into force of this Protocol. Subsequent ordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held every year and in conjunction

with ordinary sessions of the Conference of the Parties, unless otherwise decided by the Conference of the Parties serving as the meeting of the Parties to this Protocol.

7. Extraordinary sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol shall be held at such other times as may be deemed necessary by the Conference of the Parties serving as the meeting of the Parties to this Protocol, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one third of the Parties.

8. The United Nations, its specialised agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not party to the Convention, may be represented at sessions of the Conference of the Parties serving as the meeting of the Parties to this Protocol as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by this Protocol and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties serving as the meeting of the Parties to this Protocol as an observer, may be so admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure, as referred to in paragraph 5 above.

Article 14

1. The secretariat established by Article 8 of the Convention shall serve as the secretariat of this Protocol.
2. Article 8, paragraph 2, of the Convention on the functions of the secretariat, and Article 8, paragraph 3, of the Convention on arrangements made for the functioning of the secretariat, shall apply *mutatis mutandis* to this Protocol. The secretariat shall, in addition, exercise the functions assigned to it under this Protocol.

Article 15

1. The Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation established by Articles 9 and 10 of the Convention shall serve as, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Protocol. The provisions relating to the functioning of these two bodies under the Convention shall apply *mutatis mutandis* to this Protocol. Sessions of the meetings of the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of this Protocol shall be held in conjunction with the meetings of, respectively, the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation of the Convention.
2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any session of the subsidiary bodies. When the subsidiary bodies serve as the subsidiary bodies of this Protocol, decisions under this Protocol shall be taken only by those that are Parties to this Protocol.
3. When the subsidiary bodies established by Articles 9 and 10 of the Convention exercise their functions with regard to matters concerning this Protocol, any member of the Bureaux of those subsidiary bodies representing a Party to the Convention but, at that time, not a party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol.

Article 16

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, as soon as practicable, consider the application to this Protocol of, and modify as appropriate, the multilateral consultative process referred to in Article 13 of the Convention, in the light of any relevant decisions that may be taken by the Conference of the Parties. Any multilateral consultative process that may be applied to this Protocol shall operate without prejudice to the procedures and mechanisms established in accordance with Article 18.

Article 17

The Conference of the Parties shall define the relevant principles, modalities, rules and guidelines, in particular for verification, reporting and accountability for emissions trading. The Parties included in Annex B may participate in emissions trading for the purposes of fulfilling their commitments under Article 3. Any such trading shall be supplemental to domestic actions for the purpose of meeting quantified emission limitation and reduction commitments under that Article.

Article 18

The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first session, approve appropriate and effective procedures and mechanisms to determine and to address cases of non-compliance with the provisions of this Protocol, including through the development of an indicative list of consequences, taking into account the cause, type, degree and frequency of non-compliance. Any procedures and mechanisms under this Article entailing binding consequences shall be adopted by means of an amendment to this Protocol.

Article 19

The provisions of Article 14 of the Convention on settlement of disputes shall apply *mutatis mutandis* to this Protocol.

Article 20

1. Any Party may propose amendments to this Protocol.
2. Amendments to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed amendment to this Protocol shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and signatories to the Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to this Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall 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 this Protocol.
5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.

Article 21

1. Annexes to this Protocol shall form an integral part thereof and, unless otherwise expressly provided, a reference to this Protocol constitutes at the same time a reference to any annexes thereto. Any annexes adopted after the entry into force of this Protocol shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.
2. Any Party may make proposals for an annex to this Protocol and may propose amendments to annexes to this Protocol.

3. Annexes to this Protocol and amendments to annexes to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed annex or amendment to an annex shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed annex or amendment to an annex to the Parties and signatories to the Convention and, for information, to the Depositary.

4. The Parties shall make every effort to reach agreement on any proposed annex or amendment to an annex by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the annex or amendment to an annex shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted annex or amendment to an annex shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.

5. An annex, or amendment to an annex other than Annex A or B, that has been adopted in accordance with paragraphs 3 and 4 above shall enter into force for all Parties to this Protocol six months after the date of the communication by the Depositary to such Parties of the adoption of the annex or adoption of the amendment to the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex or amendment to the annex. The annex or amendment to an annex shall 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.

6. If the adoption of an annex or an amendment to an annex involves an amendment to this Protocol, that annex or amendment to an annex shall not enter into force until such time as the amendment to this Protocol enters into force.

7. Amendments to Annexes A and B to this Protocol shall be adopted and enter into force in accordance with the procedure set out in Article 20, provided that any amendment to Annex B shall be adopted only with the written consent of the Party concerned.

Article 22

1. Each Party shall have one vote, except as provided for in paragraph 2 below.

2. 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 that are Parties to this Protocol. Such an organisation shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 23

The Secretary-General of the United Nations shall be the Depositary of this Protocol.

Article 24

1. This Protocol shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organisations which are Parties to the Convention. It shall be open for signature at United Nations Headquarters in New York from 16 March 1998 to 15 March 1999. This Protocol shall be open for accession from the day after the date on which it is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organisation which becomes a Party to this Protocol without any of its member States being a Party shall be bound by all the obligations under this Protocol. In the case of such organisations, one or more of whose member States is a Party to this Protocol, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under this Protocol. In such cases, the organisation and the member States shall not be entitled to exercise rights under this Protocol concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organisations shall declare the extent of their competence with respect to the matters governed by this Protocol. These organisations shall also inform the Depository, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

Article 25

1. This Protocol shall enter into force on the ninetieth day after the date on which not less than 55 Parties to the Convention, incorporating Parties included in Annex I which accounted in total for at least 55 per cent of the total carbon dioxide emissions for 1990 of the Parties included in Annex I, have deposited their instruments of ratification, acceptance, approval or accession.
2. For the purposes of this Article, "the total carbon dioxide emissions for 1990 of the Parties included in Annex I" means the amount communicated on or before the date of adoption of this Protocol by the Parties included in Annex I in their first national communications submitted in accordance with Article 12 of the Convention.
3. For each State or regional economic integration organisation that ratifies, accepts or approves this Protocol or accedes thereto after the conditions set out in paragraph 1 above for entry into force have been fulfilled, this Protocol shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.
4. For the purposes of this Article, any instrument deposited by a regional economic integration organisation shall not be counted as additional to those deposited by States members of the organisation.

Article 26

No reservations may be made to this Protocol.

Article 27

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

Article 28

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

DONE at Kyoto this eleventh day of December one thousand nine hundred and ninety seven.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have affixed their signatures to this Protocol on the dates indicated.

ANNEX A

Greenhouse gases

Carbon dioxide (CO₂)
Methane (CH₄)
Nitrous oxide (N₂O)
Hydrofluorocarbons (HFCs)
Perfluorocarbons (PFCs)
Sulphur hexafluoride (SF₆)

Sectors/source categories

Energy

Fuel combustion
 Energy industries
 Manufacturing industries and construction
 Transport
 Other sectors
 Other
Fugitive emissions from fuels
 Solid fuels
 Oil and natural gas
 Other

Industrial processes

 Mineral products
 Chemical industry
 Metal production
 Other production
 Production of halocarbons and sulphur hexafluoride
 Consumption of halocarbons and sulphur hexafluoride
 Other

Solvent and other product use

Agriculture

 Enteric fermentation
 Manure management
 Rice cultivation
 Agricultural soils
 Prescribed burning of savannas
 Field burning of agricultural residues
 Other

Waste

 Solid waste disposal on land
 Wastewater handling
 Waste incineration
 Other

ANNEX B

Party	<u>Quantified emission limitation or reduction commitment</u> (percentage of base year or period)
Australia	108
Austria	92
Belgium	92
Bulgaria*	92
Canada	
Croatia*	95
Czech Republic*	92
Denmark	92
Estonia*	92
European Community	92
Finland	
France	92
Germany	92
Greece	92
Hungary*	94
Iceland	110
Ireland	92
Italy	92
Japan	94
Latvia*	92
Liechtenstein	92
Lithuania*	92
Luxembourg	92
Monaco	92
Netherlands	92
New Zealand	100
Norway	101
Poland*	94
Portugal	92
Romania*	92
Russian Federation*	100
Slovakia*	92
Slovenia*	92
Spain	92
Sweden	92
Switzerland	92
Ukraine*	100
United Kingdom of Great Britain and Northern Ireland	92
United States of America	

* Countries that are undergoing the process of transition to a market economy.

INTERNATIONAL TROPICAL TIMBER AGREEMENT (1994)

Adopted at Geneva, on 26 January 1994
Entered into force 1 January 1997

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;
- (l) 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 DEFINITIONS

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,

vener 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 ACCOUNT

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 unearmarked 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 1 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;
- (b) Encourage the increase of technical assistance and transfer of technology in the fields of reforestation and forest management to developing 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) 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;
- (e) Facilitate the transfer of knowledge in the field of reforestation and forest management with the assistance of competent organizations;
- (f) 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 111, 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
Total	1,000

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
Portugal	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
Total	1,000

INTERNATIONAL 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,

I

Proclaims that:

1. Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights--even the right to life itself.
2. The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments.
3. Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. In our time, man's capability to transform his surroundings, if used wisely, can bring to all peoples the benefits of development and the opportunity to enhance the quality of life. Wrongly or heedlessly applied, the same power can do incalculable harm to human beings and the human environment. We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies, harmful to the physical, mental and social health of man, in the man-made environment, particularly in the living and working environment.
4. In the developing countries most of the environmental problems are caused by under-development. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing 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 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^{a/}, and seeking to build upon it,

With the goal of establishing a new and equitable global partnership through the creation of new levels of cooperation among States, key sectors of 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 economic growth and sustainable development in all countries, to better address the problems of environmental degradation. Trade policy measures for environmental purposes should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade. Unilateral actions to deal with environmental challenges outside the jurisdiction of the importing country should be avoided. Environmental measures addressing transboundary or global environmental problems should, as far as possible, be based on an international consensus.

Principle 13

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

Principle 14

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

Principle 15

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

Principle 16

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

Principle 17

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

Principle 18

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

Principle 19

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

Principle 20

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

Principle 21

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

Principle 22

Indigenous people and their communities and other local communities have a vital role in environmental management and development because of their knowledge and traditional practices. States should recognize and duly support their identity, culture and interests and enable their effective participation in the achievement

of sustainable development.

Principle 23

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

Principle 24

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

Principle 25

Peace, development and environmental protection are interdependent and indivisible.

Principle 26

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

Principle 27

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

²⁷ 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.

DECLARATION OF BARBADOS

1994

We the States participating in the Global Conference on the Sustainable Development of Small Island Developing States,

Having met in Bridgetown, Barbados from 25 April to 6 May 1994,

Reaffirming the principles and commitments to sustainable development embodied in the Rio Declaration on Environment and Development, 1/ Agenda 21 2/ and the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests, 3/ which were adopted by the nations of the world at the United Nations Conference on Environment and Development on 14 June 1992, as well as in the United Nations Framework Convention on Climate Change 4/ and the Convention on Biological Diversity, 5/

Recognizing that the Global Conference on the Sustainable Development of Small Island Developing States translates Agenda 21 into specific policies, actions and measures to be taken at the national, regional and international levels to enable small island developing States to achieve sustainable development,

PART ONE

Affirm that:

I

1. The survival of small island developing States is firmly rooted in their human resources and cultural heritage, which are their most significant assets; those assets are under severe stress and all efforts must be taken to ensure the central position of people in the process of sustainable development.
2. Sustainable development programmes must seek to enhance the quality of life of peoples, including their health, well-being and safety.
3. Full attention should be given to gender equity and to the important role and contribution of women, as well as to the needs of women and other major groups, including children, youth and indigenous people.

II

Small island developing States have sovereign rights over their own natural resources. Their biodiversity is among the most threatened in the world and their ecosystems provide ecological corridors linking major areas of biodiversity around the world. They bear responsibility for a significant portion of the world's oceans and seas and their resources. The efforts of small island developing States to conserve, protect and restore their ecosystems deserve international cooperation and partnership.

III

1. Small island developing States are particularly vulnerable to natural as well as environmental disasters and have a limited capacity to respond to and recover from such disasters.
2. While small island developing States are among those that contribute least to global climate change and sealevel rise, they are among those that would suffer most from the adverse effects of such phenomena and could in some cases become uninhabitable. Therefore, they are among those particularly vulnerable States that need assistance under the United Nations Framework Convention on Climate Change, including adaptation measures and mitigation efforts.

3. Small island developing States share with all nations a critical interest in the protection of coastal zones and oceans against the effects of land-based sources of pollution.

4. Limited freshwater resources, increasing amounts of waste and hazardous substances, and limited facilities for waste disposal combine to make pollution prevention, waste management and the transboundary movement of hazardous materials critical issues for small island developing States.

IV

Small island developing States are limited in size, have vulnerable economies and are dependent both upon narrow resource bases and on international trade, without the means of influencing the terms of that trade.

V

To enhance their national capacities and self-reliance, small island developing States, with the assistance and support of the international community, should actively promote human resources development programmes including education, training and skills development. Their institutional and administrative capacity to implement the programme of action must be strengthened at all levels by supportive partnerships and cooperation, including technical assistance, the further development of legislation and mechanisms for information sharing.

VI

There is an urgent need in small island developing States to address the constraints to sustainable development, including scarce land resources, which lead to difficult land and agriculture use decisions; limited fresh water; education and training needs; health and human settlement requirements; inordinate pressures on coastal and marine environment and resources; and limited means available to exploit natural resources on a sustainable basis.

VII

1. The special role of non-governmental organizations and the importance of a partnership between Governments, intergovernmental organizations and agencies, non-governmental organizations and other major groups in implementing Agenda 21 and the programme of action at the national, subregional, regional and international levels should be recognized.

2. That partnership should include efforts to increase public awareness of the outcomes and follow-up of the Global Conference on the Sustainable Development of Small Island Developing States through all available means of communication.

PART TWO

Declare that:

I

Based on the principle of the right to development, small island developing States should, in accordance with their own priorities, endeavour to achieve the goals of sustainable development by, inter alia, formulating and implementing policies, strategies and programmes that take into account development, health and environmental goals, strengthening national institutions, and mobilizing all available resources, all of which are aimed at improving the quality of life.

II

Through regional and subregional cooperation, small island developing States and the international community should encourage strong functional cooperation in the promotion of sustainable development by sharing information and technology, strengthening institutions and building capacity.

III

1. The international community should cooperate with small island developing States in the implementation of the Programme of Action for the Sustainable Development of Small Island Developing States by providing effective means, including adequate, predictable new and additional financial resources in accordance with chapter 33 of Agenda 21; facilitating the transfer of environmentally sound technology, including on concessional and preferential terms as mutually agreed, taking into account the need to protect intellectual property rights as well as the special needs of developing countries; and promoting fair, equitable and non-discriminatory trading arrangements and a supportive international economic system.

2. The international community has a responsibility to facilitate the efforts of small island developing States to minimize the stress on their fragile ecosystems, including through cooperative action and partnership.

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

4. The international community should build new and equitable partnerships for the sustainable development of small island developing States through the implementation of the Programme of Action and should send a powerful message to the world's peoples on the possibilities of joint action undertaken with a sense of common purpose and partnership.

Notes

1/ Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992, vol. I, Resolutions Adopted by the Conference (United Nations publication, Sales No. E.93.1.8 and corrigendum), resolution 1, annex I.

2/ *Ibid.*, annex II.

3/ *Ibid.*, annex III.

4/ A/AC.237/18 (Part II)/Add.1, annex I.

5/ See United Nations Environment Programme, Convention on Biological Diversity (Environmental Law and Institutions Programme Activity Centre), June 1992.

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 coordinate 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

**REGIONAL ENVIRONMENTAL AGREEMENTS
AND INSTRUMENTS**

CONVENTION ON CONSERVATION OF NATURE IN THE SOUTH PACIFIC

Adopted at Apia on 12 June 1976
Entered into force 26 June 1990

The Contracting Parties,

Having in mind the Principles set out in the Declaration adopted by the United Nations Conference on the Human Environment at Stockholm in June 1972;

Convinced of the urgency for action inspired by these Principles, especially in relation to the maintenance of the capacity of the earth to produce essential renewable natural resources, the safeguarding of representative samples of natural ecosystems, and the safeguarding of the heritage of wildlife and its habitat;

Conscious of the importance of natural resources from a nutritional, scientific, educational, cultural and aesthetic point of view;

Conscious also of the dangers threatening these irreplaceable resources;

Recognizing the special importance in the South Pacific of indigenous customs and traditional cultural practices and the need to give due consideration to such matters;

Desirous of taking action for the conservation, utilization and development of these resources through careful planning and management for the benefit of present and future generations;

Have agreed as follows:

Article I

For the purpose of this Convention:

- a) "Protected area" means national park or national reserve;
- b) "National park" means an area established for the protection and conservation of ecosystems containing animal and plant species, geomorphological sites and habitats of special scientific, educative and recreational interest or a natural landscape of great beauty, which is under the control of the appropriate public authority and open to visits by the public;
- c) "National reserve" means an area recognized and controlled by the appropriate public authority and established for protection and conservation of nature, and includes strict nature reserve, managed nature reserve, wilderness reserve, fauna or flora reserve, game reserve, bird sanctuary, geological or forest reserve, archaeological reserve and historical reserve, these being reserves affording various degrees of protection to the natural and cultural heritage according to the purposes for which they are established.

Article II

1. Each Contracting Party shall, to the extent that it is itself involved, encourage the creation of protected areas which together with existing protected areas will safeguard representative samples of the natural ecosystems occurring therein (particular attention being given to endangered species), as well as superlative scenery, striking geological formations, and regions and objects of aesthetic interest or historic, cultural or scientific value.

2. Each Contracting Party shall notify the body charged with the continuing bureau duties under this Convention of the establishment of any protected area and of the legislation and the methods of administrative control adopted in connection therewith.

Article III

1. The boundaries of national parks shall not be altered so as to reduce their areas, nor shall any portions of such parks be capable of alienation, except after the fullest examination.
2. The resources of national parks shall not be subject to exploitation for commercial profit, except after the fullest examination.
3. The hunting, killing, capture or collection of specimens (including eggs and shells) of the fauna and destruction or collection of specimens of the flora in national parks shall be prohibited, except when carried out by or under the direction or control of the appropriate authorities or for duly authorized scientific investigations.
4. Provision shall be made for visitors to enter and use national parks, under appropriate conditions, for inspirational, educative, cultural and recreative purposes.

Article IV

National reserves shall be maintained inviolate, as far as practicable, it being understood that in addition to such uses as are consistent with the purposes for which a national reserve was established, permission may be given to carry out scientific investigations.

Article V

1. The Contracting Parties shall, in addition to the protection given to indigenous fauna and flora in protected areas, use their best endeavours to protect such fauna and flora (special attention being given to migratory species) so as to safeguard them from unwise exploitation and other threats that may lead to their extinction.
2. Each Contracting Party shall establish and maintain a list of species of its indigenous fauna and flora that are threatened with extinction. Such lists shall be prepared as soon as possible after this Convention has come into force and shall be communicated to the body charged with the continuing bureau duties under this Convention.
3. Each Contracting Party shall protect as completely as possible as a matter of special urgency and importance the species included in the list it has established in accordance with the provisions of the last preceding paragraph. The hunting, killing, capture or collection of specimens (including eggs and shells) of such species shall be allowed only with the permission of the appropriate authority. Such permission shall be granted only under special circumstances, in order to further scientific purposes or when essential for the maintenance of the equilibrium of the ecosystem or for the administration of the area in which the animal or plant is found.
4. Each Contracting Party shall carefully consider the consequences of the deliberate introduction into ecosystems of species which have not previously occurred therein.

Article VI

Notwithstanding the provisions of Articles III, IV and V, a Contracting Party may make appropriate provision for customary use of areas and species in accordance with traditional cultural practices.

Article VII

1. The Contracting Parties shall co-operate amongst themselves in promoting the objectives of this Convention, especially within the framework of the South Pacific Commission.
2. The Contracting Parties shall wherever practicable conduct research relating to the conservation of nature. They shall as appropriate co-ordinate such research with research carried out by other Parties. They shall co-operate in the exchange of information on the results of such research and on the management of protected areas and of protected species.

3. The Contracting Parties shall co-operate in the interchange and training of personnel for the conservation of nature.

4. The Contracting Parties shall work towards harmonization of objectives relating to the conservation of nature.5. With a view to attaining the objectives of this Convention the Contracting Parties shall examine the possibility of developing programmes of education and public awareness relating to conservation of nature.

Article VIII

1. The Contracting Parties shall maintain consultations with one another with the object of giving effect to the provisions of this Convention.

2. The South Pacific Commission shall provide for the continuing bureau duties under this Convention, including the circulation to the Contracting Parties of information and documents to be provided by the Parties under the provisions of the Convention.

Article IX

A State may at the time of deposit of its instrument of ratification, acceptance, approval or accession declare that the provisions of this Convention on conservation of nature in the South Pacific do not apply to its territories outside the territorial scope of the South Pacific Commission.

Article X

This Convention shall be open for signature at Apia until 31 December 1977 by all States members of the South Pacific Commission or eligible to be invited to become members of that Commission.

Article XI

This Convention shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of the Independent State of Western Samoa which shall be the Depositary.

Article XII

This Convention shall be open indefinitely for accession by the States referred to in Article X and by other States which are unanimously invited by the Contracting Parties to accede to it. Instruments of accession shall be deposited with the Depositary.

Article XIII

1. This Convention shall enter into force ninety days after the date of deposit of the fourth instrument of ratification, acceptance, approval or accession with the Depositary.

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

Article XIV

Any Contracting Party may denounce this Convention by written notification to the Depositary at any time after five years from the date of entry into force of the Convention. The denunciation shall take effect twelve months after the Depositary has received the notification.

Article XV

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

2. The Depositary shall inform all signatory and acceding States of signatures, deposits of instruments of ratification, acceptance, approval or accession, entry into force of this Convention, and notifications of denunciation.

3. The Depositary shall transmit certified copies of this Convention to the Secretary-General 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 authorized by their Governments, have signed this Convention.

DONE at Apia this twelfth day of June One Thousand Nine Hundred and Seventy-Six.

SOUTH PACIFIC NUCLEAR FREE ZONE TREATY

Adopted at Rarotonga on 6 August 1985
Entered into force 11 December 1986

The Parties to this Treaty

United in their commitment to a world at peace;

Gravely concerned that the continuing nuclear arms race presents the risk of nuclear war which would have devastating consequences for all people;

Convinced that all countries have an obligation to make every effort to achieve the goal of eliminating nuclear weapons, the terror which they hold for humankind and the threat which they pose to life on earth;

Believing that regional arms control measures can contribute to global efforts to reverse the nuclear arms race and promote the national security of each country in the region and the common security of all;

Determined to ensure, so far as lies within their power, that the bounty and beauty of the land and sea in their region shall remain the heritage of their peoples and their descendants in perpetuity to be enjoyed by all in peace;

Reaffirming the importance of the Treaty on the Non- Proliferation of Nuclear Weapons (NPT) in preventing the proliferation of nuclear weapons and in contributing to world security;

Noting in particular, that Article VII of the NPT recognises the right of any group of States to conclude regional treaties in order to assure the total absence of nuclear weapons in their respective territories;

Noting that the prohibitions of emplantation and emplacement of nuclear weapons on the seabed and the ocean floor and in the subsoil thereof contained in the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Seabed and the Ocean Floor and in the Subsoil hereof apply in the South Pacific;

Noting also that the prohibition of testing of nuclear weapons in the atmosphere or under water including territorial waters or high seas, contained in the Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water applies in the South Pacific;

Determined to keep the region free of environmental pollution by radioactive wastes and other radioactive matter;

Guided by the decision of the Fifteenth South Pacific Forum at Tuvalu that a nuclear free zone should be established in the region at the earliest possible opportunity in accordance with the principles set out in the communique of that meeting;

Have agreed as follows:

Article 1 USAGE OF TERMS

For the purposes of this Treaty and its Protocols:

(a) "South Pacific Nuclear Free Zone" means the areas described in Annex 1 as illustrated by the map attached to that Annex [map not reproduced];

(b) "territory" means internal waters, territorial sea and archipelagic waters, the seabed and subsoil beneath, the land territory and the airspace above them;

(c) "nuclear explosive device" means any nuclear weapon or other explosive device capable of releasing nuclear energy, irrespective of the purpose for which it could be used. The term includes such a weapon or device in unassembled and partly assembled forms, but does not include the means of transport or delivery of such a weapon or device if separable from and not an indivisible part of it;

(d) "stationing" means emplantation, emplacement, transportation on land or inland waters, stockpiling, storage, installation and deployment.

Article 2 APPLICATION OF THE TREATY

1. Except where otherwise specified, this Treaty and its Protocols shall apply to territory within the South Pacific Nuclear Free Zone.

2. Nothing in this Treaty shall prejudice or in any way affect the rights, or the exercise of the rights, of any State under international law with regard to freedom of the seas.

Article 3 RENUNCIATION OF NUCLEAR EXPLOSIVE DEVICES

Each Party undertakes:

(a) not to manufacture or otherwise acquire, possess or have control over any nuclear explosive device by any means anywhere inside or outside the South Pacific Nuclear Free Zone;

(b) not to seek or receive any assistance in the manufacture or acquisition of any nuclear explosive device;

(c) not to take any action to assist or encourage the manufacture or acquisition of any nuclear explosive device by any State.

Article 4 PEACEFUL NUCLEAR ACTIVITIES

Each Party undertakes:

(a) not to provide source or special fissionable material, or equipment or material especially designed or prepared for the processing, use or production of special fissionable material for peaceful purposes to:

(i) any non-nuclear-weapon State unless subject to the safeguards required by Article III.I of the NPT, or

(ii) any nuclear-weapon State unless subject to applicable safeguards agreements with the International Atomic Energy Agency (IAEA).

Any such provision shall be in accordance with strict non-proliferation measures to provide assurance of exclusively peaceful non-explosive use;

(b) to support the continued effectiveness of the international non-proliferation system based on the RNPI and the IAEA safeguards system.

Article 5 PREVENTION OF STATIONING OF NUCLEAR EXPLOSIVE DEVICES

1. Each Party undertakes to prevent in its territory the stationing of any nuclear explosive device.

2. Each Party in the exercise of its sovereign rights remains free to decide for itself whether to allow visits by foreign ships and aircraft to its ports and airfields, transit of its airspace by foreign aircraft, and navigation by foreign ships in its territorial sea or archipelagic waters in a manner not covered by the rights of innocent passage, archipelagic sea lane passage or transit passage of straits.

Article 6 PREVENTION OF TESTING OF NUCLEAR EXPLOSIVE DEVICES

Each Party undertakes:

- (a) to prevent in its territory the testing of any nuclear explosive device;
- (b) not to take any action to assist or encourage the testing of any nuclear explosive device by any State.

Article 7 PREVENTION OF DUMPING

1. Each Party undertakes:

- (a) not to dump radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;
- (b) to prevent the dumping of radioactive wastes and other radioactive matter by anyone in its territorial sea;
- (c) not to take any action to assist or encourage the dumping by anyone of radioactive wastes and other radioactive matter at sea anywhere within the South Pacific Nuclear Free Zone;
- (d) to support the conclusion as soon as possible of the proposed Convention relating to the protection of the natural resources and environment of the South Pacific region and its Protocol for the prevention of pollution of the South Pacific region by dumping, with the aim of precluding dumping at sea of radioactive wastes and other radioactive matter by anyone anywhere in the region.

2. Paragraphs 1(a) and 1(b) of this Article shall not apply to areas of the South Pacific Nuclear Free Zone in respect of which such a Convention and Protocol have entered into force.

Article 8 CONTROL SYSTEM

1. The Parties hereby establish a control system for the purpose of verifying compliance with their obligations under this Treaty.

2. The control system shall comprise:

- (a) reports and exchange of information as provided for in Article 9;
- (b) consultations as provided for in Article 10 and Annex 4(1);
- (c) the application to peaceful nuclear activities of safeguards by the IAEA as provided for in Annex 2;
- (d) a complaints procedure as provided for in Annex 4.

Article 9 REPORTS AND EXCHANGES OF INFORMATION

1. Each Party shall report to the Director of the South Pacific Bureau for Economic Co-operation (the Director) as soon as possible any significant event within its jurisdiction affecting the implementation of this Treaty. The Director shall circulate such reports promptly to all Parties.

2. The Parties shall endeavour to keep each other informed on matters arising under or in relation to this Treaty. They may exchange information by communicating it to the Director, who shall circulate it to all Parties.

3. The Director shall report annually to the South Pacific Forum on the status of this Treaty and matters arising under or in relation to it, incorporating reports and communications made under paragraphs 1 and 2 of this Article and matters arising under Articles 8(2)(d) and 10 and Annex 2(4).

Article 10 CONSULTATIONS AND REVIEW

Without prejudice to the conduct of consultations among Parties by other means, the Director, at the request of any Party, shall convene a meeting of the Consultative Committee established by Annex 3 for consultation and co-operation on any matter arising in relation to this Treaty or for reviewing its operation.

Article 11 AMENDMENT

The Consultative Committee shall consider proposals for amendment of the provisions of this Treaty proposed by any Party and circulated by the Director to all Parties not less than three months prior to the convening of the Consultative Committee for this purpose. Any proposal agreed upon by consensus by the Consultative Committee shall be communicated to the Director who shall circulate it for acceptance to all Parties. An amendment shall enter into force thirty days after receipt by the depositary of acceptances from all Parties.

Article 12 SIGNATURE AND RATIFICATION

1. This Treaty shall be open for signature by any Member of the South Pacific Forum.
2. This Treaty shall be subject to ratification. Instruments of ratification shall be deposited with the Director who is hereby designated depositary of this Treaty and its Protocols.
3. If a Member of the South Pacific Forum whose territory is outside the South Pacific Nuclear Free Zone becomes a Party to this Treaty, Annex 1 shall be deemed to be amended so far as is required to enclose at least the territory of that Party within the boundaries of the South Pacific Nuclear Free Zone. The delineation of any area added pursuant to this paragraph shall be approved by the South Pacific Forum.

Article 13 WITHDRAWAL

1. This Treaty is of a permanent nature and shall remain in force indefinitely, provided that in the event of a violation by any Party of a provision of this Treaty essential to the achievement of the objectives of the Treaty or of the spirit of the Treaty, every other Party shall have the right to withdraw from the Treaty.
2. Withdrawal shall be effected by giving notice twelve months in advance to the Director who shall circulate such notice to all other Parties.

Article 14 RESERVATIONS

This Treaty shall not be subject to reservations.

Article 15 ENTRY INTO FORCE

1. This Treaty shall enter into force on the date of deposit of the eighth instrument of ratification.
2. For a signatory which ratifies this Treaty after the date of deposit of the eighth instrument of ratification, the Treaty shall enter into force on the date of deposit of its instrument of ratification.

Article 16 DEPOSITARY FUNCTIONS

The depositary shall register this Treaty and its Protocols pursuant to Article 102 of the Charter of the United Nations and shall transmit certified copies of the Treaty and its Protocols to all Members of the South Pacific Forum and all States eligible to become Party to the Protocols to the Treaty and shall notify them of signatures and ratifications of the Treaty and its Protocols.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Treaty.

DONE at Rarotonga, this sixth day of August, one thousand nine hundred and eighty-five, in a single original in the English language.

**ANNEX 1
SOUTH PACIFIC NUCLEAR FREE ZONE**

A. The area bounded by a line:

- (1) commencing at the point of intersection of the Equator by the maritime boundary between Indonesia and Papua New Guinea;
- (2) running thence northerly along that maritime boundary to its intersection by the outer limit of the Exclusive Economic Zone of Papua New Guinea;
- (3) thence generally north-easterly, easterly and south- easterly along that outer limit to its intersection by the Equator;
- (4) thence east along the Equator to its intersection by the meridian of Longitude 163 degrees East;
- (5) thence north along that meridian to its intersection by the parallel of Latitude 3 degrees North;
- (6) thence east along that parallel to its intersection by the meridian of Longitude 171 degrees East;
- (7) thence north along that meridian to its intersection by the parallel of Latitude 4 degrees North;
- (8) thence east along that parallel to its intersection by the meridian of Longitude 180 degrees East;
- (9) thence south along that meridian to its intersection by the Equator;
- (10) thence east along the Equator to its intersection by the meridian of Longitude 165 degrees West;
- (11) thence north along that meridian to its intersection by the parallel of Latitude 5 degrees 30 minutes North;
- (12) thence east along that parallel to its intersection by the meridian of Longitude 154 degrees West;
- (13) thence south along that meridian to its intersection by the Equator;
- (14) thence east along the Equator to its intersection by the meridian of Longitude 115 degrees West;
- (15) thence south along that meridian to its intersection by the parallel of Latitude 60 degrees South;
- (16) thence west along that parallel to its intersection by the meridian of Longitude 115 degrees East;
- (17) thence north along that meridian to its southernmost intersection by the outer limit of the territorial sea of Australia;
- (18) thence generally northerly and easterly along the outer limit of the territorial sea of Australia to its intersection by the meridian of Longitude 136 degrees 45 minutes East;
- (19) thence north-easterly along the geodesic to the point of Latitude 10 degrees 50 minutes South, Longitude 139 degrees 12 minutes East;
- (20) thence north-easterly along the maritime boundary between Indonesia and Papua New Guinea to where it joins the land border between those two countries;

(21) thence generally northerly along that land border to where it joins the maritime boundary between Indonesia and Papua New Guinea, on the northern coastline of Papua New Guinea; and

(22) thence generally northerly along that boundary to the point of commencement.

B. The areas within the outer limits of the territorial seas of all Australian islands lying westward of the area described in paragraph A and north of Latitude 60 degrees South, provided that any such areas shall cease to be part of the South Pacific Nuclear Free Zone upon receipt by the depositary of written notice from the Government of Australia stating that the areas have become subject to another treaty having an object and purpose substantially the same as that of this Treaty.

ANNEX 2 IAEA SAFEGUARDS

1. The safeguards referred to in Article 8 shall in respect of each Party be applied by the IAEA as set forth in an agreement negotiated and concluded with the IAEA on all source or special fissionable material in all peaceful nuclear activities within the territory of the Party, under its jurisdiction or carried out under its control anywhere.

2. The agreement referred to in paragraph 1 shall be, or shall be equivalent in its scope and effect to, an agreement required in connection with the NPT on the basis of the material reproduced in document INFCIRC/153 (Corrected) of the IAEA. Each Party shall take all appropriate steps to ensure that such an agreement is in force for it not later than eighteen months after the date of entry into force for that Party of this Treaty.

3. For the purposes of this Treaty, the safeguards referred to in paragraph 1 shall have as their purpose the verification of the non-diversion of nuclear material from peaceful nuclear activities to nuclear explosive devices.

4. Each Party agrees upon the request of any other Party to transmit to that Party and to the Director for the information of all Parties a copy of the overall conclusions of the most recent report by the IAEA on its inspection activities in the territory of the Party concerned, and to advise the Director promptly of any subsequent findings of the Board of Governors of the IAEA in relation to those conclusions for the information of all Parties.

ANNEX 3 CONSULTATIVE COMMITTEE

1. There is hereby established a Consultative Committee which shall be convened by the Director from time to time pursuant to articles 10 and 11 and Annex 4 (2). The Consultative Committee shall be constituted of representatives of the Parties, each Party being entitled to appoint one representative who may be accompanied by advisers. Unless otherwise agreed, the Consultative Committee shall be chaired at any given meeting by the representative of the Party which last hosted the meeting of Heads of Government of Members of the South Pacific Forum. A quorum shall be constituted by representatives of half the Parties. Subject to the provisions of Article 11, decisions of the Consultative Committee shall be taken by consensus or, failing consensus, by a two-thirds majority of those present and voting. The Consultative Committee shall adopt such other rules of procedure as it sees fit.

2. The costs of the Consultative Committee including the costs of special inspections pursuant to Annex 4, shall be borne by the South Pacific Bureau for Economic Co-operation. It may seek special funding should this be required.

**ANNEX 4
COMPLAINTS PROCEDURE**

1. A Party which considers that there are grounds for a complaint that another Party is in breach of its obligations under this Treaty shall, before bringing such a complaint to the Director, bring the subject matter of the complaint to the attention of the Party complained of and shall allow the latter reasonable opportunity to provide it with an explanation and to resolve the matter.
2. If the matter is not so resolved, the complainant Party may bring the complaint to the Director with a request that the Consultative Committee be convened to consider it. Complaints shall be supported by an account of evidence of breach of obligations known to the complainant Party. Upon receipt of a complaint the Director shall convene the Consultative Committee as quickly as possible to consider it.
3. The Consultative Committee taking account of efforts made under paragraph 1, shall afford the Party complained of a reasonable opportunity to provide it with an explanation of the matter.
4. If, after considering any explanation given to it by the representatives of the Party complained of, the Consultative Committee decides that there is sufficient substance in the complaint to warrant a special inspection in the territory of that Party or elsewhere, the Consultative Committee shall direct that such special inspection be made as quickly as possible by a special inspection team of three suitably qualified special inspectors appointed by the Consultative Committee in consultation with the complained of and complainant Parties, provided that no national of either Party shall serve on the special inspection team. If so requested by the Party complained of, the special inspection team shall be accompanied by representatives of that Party. Neither the right of consultation on the appointment of special inspectors, nor the right to accompany special inspectors, shall delay the work of the special inspection team.
5. In making a special inspection, special inspectors shall be subject to the direction only of the Consultative Committee and shall comply with such directives concerning tasks, objectives, confidentiality and procedures as may be decided upon by it. Directives shall take account of the legitimate interests of the Party complained of in complying with its other international obligations and commitments and shall not duplicate safeguards procedures to be undertaken by the IAEA pursuant to agreements referred to in Annex 2(1). The special inspectors shall discharge their duties with due respect for the laws of the Party complained of.
6. Each Party shall give to special inspectors full and free access to all information and places within its territory which may be relevant to enable the special inspectors to implement the directives given to them by the Consultative Committee.
7. Each Party complained of shall take all appropriate steps to facilitate the special inspection, and shall grant to special inspectors privileges and immunities necessary for the performance of their functions, including inviolability for all papers and documents and immunity from arrest, detention and legal process for acts done and words spoken and written, for the purpose of the special inspection.
8. The special inspectors shall report in writing as quickly as possible to the Consultative Committee outlining their activities, setting out relevant facts and information as ascertained by them, with supporting evidence and documentation as appropriate, and stating their conclusions. The Consultative Committee shall report fully to all Members of the South Pacific Forum giving its decision as to whether the Party complained of is in breach of its obligations under this Treaty.
9. If the Consultative Committee has decided that the Party complained of is in breach of its obligations under this Treaty, or that the above provisions have not been complied with, or at any time at the request of either the complainant or complained of Party, the Parties shall meet promptly at a meeting of the South Pacific Forum.

PROTOCOL 1

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)

Have agreed as follows:

Article 1

Each Party undertakes to apply, in respect of the territories for which it is internationally responsible situated within the South Pacific Nuclear Free Zone, the prohibitions contained in Articles 3, 5 and 6, insofar as they relate to the manufacture, stationing and testing of any nuclear explosive device within those territories, and the safeguards specified in Article 8(2)(c) and Annex 2 of the Treaty.

Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty.

Article 3

This Protocol shall be open for signature by France, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

Article 5

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Rarotonga this sixth day of August one thousand nine hundred and eighty-five, in a single original in the English language.

PROTOCOL 2

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)

Have agreed as follows:

Article 1

Each Party undertakes not to contribute to any act which constitutes a violation of the Treaty or its Protocols by Parties to them.

Article 2

Each Party further undertakes not to use or threaten to use any nuclear explosive device against:

- (a) Parties to the Treaty; or
- (b) any territory within the South Pacific Nuclear Free Zone for which a State that has become a Party to Protocol I is internationally responsible.

Article 3

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligations under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

Article 4

This Protocol shall be open for signature by France, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 5

This Protocol shall be subject to ratification.

Article 6

This Protocol shall enter into force for each State on the date of its deposit with the depositary of its instrument of ratification.

IN WITNESS WHEREOF the undersigned, being duly authorised by their Governments, have signed this Protocol.

DONE at Rarotonga this sixth day of August one thousand nine hundred and eighty-five, in a single original in the English language.

PROTOCOL 3

The Parties to this Protocol

Noting the South Pacific Nuclear Free Zone Treaty (the Treaty)

Have agreed as follows:

Article 1

Each Party undertakes not to test any nuclear explosive device anywhere within the South Pacific Nuclear Free Zone.

Article 2

Each Party may, by written notification to the depositary, indicate its acceptance from the date of such notification of any alteration to its obligation under this Protocol brought about by the entry into force of an amendment to the Treaty pursuant to Article 11 of the Treaty or by the extension of the South Pacific Nuclear Free Zone pursuant to Article 12(3) of the Treaty.

Article 3

This Protocol shall be open for signature by France, the People's Republic of China, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

Article 4

This Protocol shall be subject to ratification.

CONVENTION FOR THE PROTECTION OF THE NATURAL RESOURCES AND ENVIRONMENT OF THE SOUTH PACIFIC REGION AND RELATED PROTOCOLS

Adopted at Noumea on 24 November 1986
Entered into force 22 August 1990

The Parties,

Fully aware of the economic and social value of the natural resources of the environment of the South Pacific Region;

Taking into account the traditions and cultures of the Pacific people as expressed in accepted customs and practices;

Conscious of their responsibility to preserve their natural heritage for the benefit and enjoyment of present and future generations;

Recognizing the special hydrological, geological and ecological characteristics of the region which requires special care and responsible management;

Recognizing further the threat to the marine and coastal environment, its ecological equilibrium, resources and legitimate uses posed by pollution and by the insufficient integration of an environmental dimension into the development process;

Seeking to ensure that resource development shall be in harmony with the maintenance of the unique environmental quality of the region and the evolving principles of sustained resource management;

Realizing fully the need for co-operation amongst themselves and with competent international, regional and sub-regional organizations in order to ensure a co-ordinated and comprehensive development of the natural resources of the region;

Recognizing the desirability for the wider acceptance and national implementation of international agreements already in existence concerning the marine and coastal environment;

Noting, however, that existing international agreements concerning the marine and coastal environment do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and environmental degradation and do not entirely meet the special requirements of the South Pacific Region;

Desirous to adopt the regional convention to strengthen the implementation of the general objective of the Action Plan for Managing the Natural Resources and Environment of the South Pacific Region adopted at Rarotonga, Cook Islands, on 11 March 1982;

Have agreed as follows:

Article 1 GEOGRAPHICAL COVERAGE

1. This Convention shall apply to the South Pacific Region, hereinafter referred to as "the Convention Area" as defined in paragraph (a) of Article 2.

2. Except as may be otherwise provided in any Protocol to this Convention, the Convention Area shall not include internal waters or archipelagic waters of the Parties as defined in accordance with international law.

Article 2 DEFINITIONS

For the purposes of this Convention and its Protocols unless otherwise defined in any such Protocol:

(a) the "Convention Area" shall comprise:

(i) the 200 nautical mile zones established in accordance with international law off:

American Samoa
Australia (East coast and Islands to eastward including Macquarie Island)
Cook Islands
Federated States of Micronesia
French Polynesia
Guam
Kiribati
Marshall Islands
Nauru
New Caledonia and Dependencies
New Zealand
Niue
Northern Mariana Islands
Palau
Papua New Guinea
Pitcairn Islands
Solomon Islands
Tokelau
Tonga
Tuvalu
Vanuatu
Wallis and Futuna
Western Samoa

(ii) those areas of high seas which are enclosed from all sides by the 200 nautical mile zones referred to in sub-paragraph (i);

(iii) areas of the Pacific Ocean which have been included in the Convention Area pursuant to Article 3;

(b) "dumping" means:

- any deliberate disposal at sea of wastes or other matter from vessels, aircraft, platforms or other man-made structures;

- any deliberate disposal at sea of vessels, aircraft, platforms or other man-made structures at sea;

"dumping" does not include:

- 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 treatment of such wastes or other matter on such vessels, aircraft, platforms or structures;

- 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;

(c) "wastes or other matter" means material and substances of any kind, form or description;

(d) the following wastes or other matter shall be considered to be non-radioactive: sewage sludge, dredge spoil, fly ash, agricultural wastes, construction materials, vessels, artificial reef building materials and other such materials provided that they have not been contaminated with radio nuclides of anthropogenic origin (except dispersed global fallout from nuclear weapons testing), nor are potential sources of naturally occurring radio nuclides for commercial purposes, nor have been enriched in natural or artificial radio nuclides;

If there is a question as to whether the material to be dumped should be considered non-radioactive, for the purposes of this Convention, such material shall not be dumped unless the appropriate national authority of the proposed dumper confirms that such dumping would not exceed the individual and collective dose limits of the International Atomic Energy Agency general principles for the exemption of radiation sources and practices from regulatory control. The national authority shall also take into account the relevant recommendations, standards and guidelines developed by the International Atomic Energy Agency.

(e) "vessels" and "aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not;

(f) "pollution" 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;

In applying this definition to the Convention obligations, the Parties shall use their best endeavours to comply with the appropriate standards and recommendations established by competent international organizations, including the International Atomic Energy Agency;

(g) "Organisation" means the South Pacific Commission; [*will be amended to be SPREP*]

(h) "Director" means the Director of the South Pacific Bureau for Economic Co-operation. [*will be amended to be Secretary-General of the South Pacific Forum Secretariat*]

Article 3 ADDITION TO THE CONVENTION AREA

Any Party may add areas under its jurisdiction within the Pacific Ocean between the Tropic of Cancer and 60 degrees South latitude and between 130 degrees East longitude and 120 degrees West longitude to the Convention Area. Such addition shall be notified to the Depositary who shall promptly notify the other Parties and the Organisation. Such areas shall be incorporated within the Convention Area ninety days after notification to the Parties by the Depositary provided there has been no objection to the proposal to add new areas by any Party affected by that proposal. If there is any such objection the Parties concerned will consult with a view to resolving the matter.

Article 4 GENERAL PROVISIONS

1. The Parties shall endeavour to conclude bilateral or multilateral agreements, including regional or sub-regional agreements, for the protection, development and management of the marine and coastal environment of the Convention Area. Such agreements shall be consistent with this Convention and in accordance with international law. Copies of such agreements shall be communicated to the Organisation and through it to all Parties to this Convention.

2. Nothing in this Convention or its Protocols shall be deemed to affect obligations assumed by a Party under agreements previously concluded.

3. Nothing in this Convention and its Protocols shall be construed to prejudice or affect the interpretation and application of any provision or term in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

4. This Convention and its Protocols shall be construed in accordance with international law relating to their subject matter.

5. Nothing in this Convention and its Protocols shall prejudice the present or future claims and legal views of any Party concerning the nature and extent of maritime jurisdiction.

6. Nothing in this Convention shall affect the sovereign right of States to exploit, develop and manage their own natural resources pursuant to their own policies, taking into account their duty to protect and preserve

the environment. Each Party shall ensure that activities within its jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of its national jurisdiction.

Article 5 GENERAL OBLIGATIONS

1. The Parties shall endeavour, either individually or jointly, to take all appropriate measures in conformity with international law and in accordance with this Convention and those Protocols in force to which they are party to prevent, reduce and control pollution of the Convention Area, from any source, and to ensure sound environmental management and development of natural resources, using for this purpose the best practicable means at their disposal, and in accordance with their capabilities. In doing so the Parties shall endeavour to harmonize their policies at the regional level.

2. The Parties shall use their best endeavours to ensure that the implementation of this Convention shall not result in an increase in pollution in the marine environment outside the Convention Area.

3. In addition to the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping and the Protocol Concerning Co-operation in Combating Pollution Emergencies in the South Pacific Region, the Parties shall co-operate in the formulation and adoption of other Protocols prescribing agreed measures, procedures and standards to prevent, reduce and control pollution from all sources or in promoting environmental management in conformity with the objectives of this Convention .

4. The Parties shall, taking into account existing internationally recognized rules, standards, practices and procedures, co-operate with competent global regional and sub-regional organisations to establish and adopt recommended practices, procedures and measures to prevent, reduce and control pollution from all sources and to promote sustained resource management and to ensure the sound development of natural resources in conformity with the objectives of this Convention and its Protocols. and to assist each other in fulfilling their obligations under this Convention and its Protocols.

5. The Parties shall endeavour to establish laws and regulations for the effective discharge of the obligations prescribed in this Convention. Such laws and regulations shall be no less effective than international rules, standards and recommended practices and procedures.

Article 6 POLLUTION FROM VESSELS

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area caused by discharges from vessels, and to ensure the effective application in the Convention Area of the generally accepted international rules and standards established through the competent international organisation or general diplomatic conference relating to the control of pollution from vessels.

Article 7 POLLUTION FROM LAND-BASED SOURCES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area caused by coastal disposal or by discharges emanating from rivers, estuaries, coastal establishments, outfall structures, or any other sources in their territory.

Article 8 POLLUTION FROM SEABED ACTIVITIES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting directly or indirectly from exploration and exploitation of the seabed and its subsoil.

Article 9 AIRBORNE POLLUTION

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting from discharges into the atmosphere from activities under their jurisdiction.

Article 10 DISPOSAL OF WASTES

1. The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area caused by dumping from vessels, aircraft, or man-made structures at sea, including the effective application of the relevant internationally recognized rules and procedures relating to the control of dumping of wastes and other matter. The Parties agree to prohibit the dumping of radioactive wastes or other radioactive matter in the Convention Area. Without prejudice to whether or not disposal into the seabed and subsoil of wastes or other matter is "dumping", the Parties agree to prohibit the disposal into the seabed and subsoil of the Convention Area of radioactive wastes or other radioactive matter.

2. This article shall also apply to the continental shelf of a Party where it extends, in accordance with international law, outward beyond the Convention Area.

Article 11 STORAGE OF TOXIC AND HAZARDOUS WASTES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area resulting from the storage of toxic and hazardous wastes. In particular, the Parties shall prohibit the storage of radioactive wastes or other radioactive matter in the Convention Area.

Article 12 TESTING OF NUCLEAR DEVICES

The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Convention Area which might result from the testing of nuclear devices.

Article 13 MINING AND COASTAL EROSION

The Parties shall take all appropriate measures to prevent, reduce and control environmental damage in the Convention Area, in particular coastal erosion caused by coastal engineering, mining activities, sand removal, land reclamation and dredging.

Article 14 SPECIALLY PROTECTED AREAS AND PROTECTION OF WILD FLORA AND FAUNA

The Parties shall, individually or jointly, take all appropriate measures to protect and preserve rare or fragile ecosystems and depleted, threatened or endangered flora and fauna as well as their habitat in the Convention Area. To this end, the Parties shall, as appropriate, establish protected areas, such as parks and reserves, and prohibit or regulate any activity likely to have adverse effects on the species, ecosystems or biological processes that such areas are designed to protect. The establishment of such areas shall not affect the rights of other Parties or third States under international law. In addition, the Parties shall exchange information concerning the administration and management of such areas.

Article 15 CO-OPERATION IN COMBATING POLLUTION IN CASES OF EMERGENCY

1. The Parties shall co-operate in taking all necessary measures to deal with pollution emergencies in the Convention Area, whatever the cause of such emergencies, and to prevent, reduce and control pollution or the threat of pollution resulting therefrom. To this end, the Parties shall develop and promote individual contingency plans and joint contingency plans for responding to incidents involving pollution or the threat thereof in the Convention Area.

2. When a Party becomes aware of a case in which the Convention Area is in imminent danger of being polluted or has been polluted, it shall immediately notify other countries and territories it deems likely to be affected by such pollution, as well as the Organisation. Furthermore it shall inform as soon as feasible, such other countries and territories and the Organisation of any measures it has itself taken to reduce or control pollution or the threat thereof.

Article 16 ENVIRONMENTAL IMPACT ASSESSMENT

1. The Parties agree to develop and maintain, with the assistance of competent global, regional and subregional organisations as requested, technical guidelines and legislation giving adequate emphasis to environmental and social factors to facilitate balanced development of their natural resources and planning of their major projects which might affect the marine environment in such a way as to prevent or minimise harmful impacts on the Convention Area.

2. Each Party shall, within its capabilities, assess the potential effects of such projects on the marine environment, so that appropriate measures can be taken to prevent any substantial pollution of, or significant and harmful changes within, the Convention Area.

3. With respect to the assessment referred to in paragraph 2, each Party shall, where appropriate, invite:

- (a) public comment according to its national procedures;
- (b) other Parties that may be affected to consult with it and submit comments.

The results of these assessments shall be communicated to the Organisation, which shall make them available to interested Parties.

Article 17 SCIENTIFIC AND TECHNICAL CO-OPERATION

1. The Parties shall co-operate, either directly or with the assistance of competent global, regional and sub-regional organisations, in scientific research, environmental monitoring, and the exchange of data and other scientific and technical information related to the purposes of the Convention.

2. In addition, the Parties shall, for the purposes of this Convention, develop and co-ordinate research and monitoring programmes relating to the Convention Area and co-operate, as far as practicable, in the establishment and implementation of regional, sub-regional and international research programmes.

Article 18 TECHNICAL AND OTHER ASSISTANCE

The Parties undertake to co-operate, directly and when appropriate through the competent global, regional and sub-regional organisations, in the provision to other Parties of technical and other assistance in fields relating to pollution and sound environmental management of the Convention Area, taking into account the special needs of the island developing countries and territories.

Article 19 TRANSMISSION OF INFORMATION

The Parties shall transmit to the Organisation information on the measures adopted by them in the implementation of this Convention and of Protocols to which they are Parties, in such form and at such intervals as the Parties may determine.

Article 20 LIABILITY AND COMPENSATION

The Parties shall co-operate in the formulation and adoption of appropriate rules and procedures in conformity with international law in respect of liability and compensation for damage resulting from pollution of the Convention Area.

Article 21 INSTITUTIONAL ARRANGEMENTS

1. The Organisation shall be responsible for carrying out the following secretariat functions:

- (a) to prepare and convene the meetings of Parties;
 - (b) to transmit to the Parties notifications, reports and other information received in accordance with this Convention and its Protocols;
 - (c) to perform the functions assigned to it by the Protocols to this Convention;
 - (d) to consider enquiries by, and information from, the Parties and to consult with them on questions relating to this Convention and the Protocols;
 - (e) to co-ordinate the implementation of cooperative activities agreed upon by the Parties;
 - (f) to ensure the necessary co-ordination with other competent global, regional and sub-regional bodies;
 - (g) to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions;
 - (h) to perform such other functions as may be assigned to it by the Parties; and
 - (i) to transmit to the South Pacific Conference and the South Pacific Forum the reports of ordinary and extraordinary meetings of the Parties.
2. Each Party shall designate an appropriate national authority to serve as the channel of communication with the Organisation for the purposes of this Convention.

Article 22 MEETINGS OF THE PARTIES

1. The Parties shall hold ordinary meetings once every two years. Ordinary meetings shall review the implementation of this Convention and its Protocols and, in particular, shall:
- (a) assess periodically the state of the environment in the Convention Area;
 - (b) consider the information submitted by the Parties under Article 19;
 - (c) adopt, review and amend as required annexes to this Convention and to its Protocols, in accordance with the provisions of Article 25;
 - (d) make recommendations regarding the adoption of any Protocols or any amendments to this Convention or its Protocols in accordance with the provisions of Articles 23 and 24;
 - (e) establish working groups as required to consider any matters concerning this Convention and its Protocols;
 - (f) consider co-operative activities to be undertaken within the framework of this Convention and its Protocols, including their financial and institutional implications and to adopt decisions relating thereto;
 - (g) consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and its Protocols; and
 - (h) adopt by consensus financial rules and budget prepared in consultation with the Organisation, to determine, inter alia, the financial participation of the Parties under this Convention and those Protocols to which they are party.
2. The Organisation shall convene the first ordinary meeting of the Parties not later than one year after the date on which the Convention enters into force in accordance with Article 31.
3. Extraordinary meetings shall be convened at the request of any Party or upon the request of the Organisation, provided that such requests are supported by at least two-thirds of the Parties. It shall be the

function of an extraordinary meeting of the Parties to consider those items proposed in the request for the holding of the extraordinary meeting and any other items agreed to by all the Parties attending the meeting.

4. The Parties shall adopt by consensus at their first ordinary meeting, rules of procedure for their meetings.

Article 23 ADOPTION OF PROTOCOLS

1. The Parties may, at a conference of plenipotentiaries, adopt Protocols to this Convention pursuant to paragraph 3 of Article 5.

2. If so requested by a majority of the Parties, the Organisation shall convene a conference of plenipotentiaries for the purpose of adopting Protocols to this Convention.

Article 24 AMENDMENT OF THE CONVENTION AND ITS PROTOCOLS

1. Any Party may propose amendments to this Convention. Amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organisation at the request of two-thirds of the Parties.

2. Any Party to this Convention may propose amendments to any Protocol. Such amendments shall be adopted by a conference of plenipotentiaries which shall be convened by the Organisation at the request of two-thirds of the Parties to the Protocol concerned.

3. A proposed amendment to the Convention or any Protocol shall be communicated to the Organisation which shall promptly transmit such proposal for consideration to all the other Parties.

4. A conference of plenipotentiaries to consider a proposed amendment to the Convention or any Protocol shall be convened not less than ninety days after the requirements for the convening of the Conference have been met pursuant to paragraphs 1 or 2, as the case may be.

5. Any amendment to this Convention shall be adopted by a three-fourths majority vote of the Parties to the Convention which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Parties to the Convention. Amendments to any Protocol shall be adopted by a three-fourths majority vote of the Parties to the Protocol which are represented at the conference of plenipotentiaries and shall be submitted by the Depositary for acceptance by all Parties to the Protocol.

6. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments shall enter into force between Parties having accepted such amendments of the instruments on the thirtieth day following the date of receipt by the Depositary of the instruments of at least three-fourths of the Parties to this Convention or to the Protocol concerned, as the case may be. Thereafter the amendments shall enter into force for any other Party on the thirtieth day after the date on which that Party deposits its instrument.

7. After the entry into force of an amendment to this Convention or to a Protocol, any new Party to the Convention or such Protocol shall become a Party to the Convention or Protocol as amended.

Article 25 ANNEXES AND AMENDMENT OF ANNEXES

1. Annexes to this Convention or to any Protocol shall form an integral part of the Convention or such Protocol respectively.

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

- (a) any Party may propose amendments to the annexes to this Convention or annexes to any Protocol;
- (b) any proposed amendment shall be notified by the Organisation to the Parties not less than sixty days before the convening of a meeting of the Parties unless this requirement is waived by the meeting;
- (c) such amendments shall be adopted at a meeting of the Parties by a three-fourths majority vote of the Parties to the instrument in question;
- (d) the Depositary shall without delay communicate the amendments so adopted to all Parties;
- (e) any Party that is unable to approve an amendment to the annexes to this Convention or to annexes to any Protocol shall so notify in writing to the Depositary within one hundred days from the date of the communication of the amendment by the Depositary. A Party may at any time substitute an acceptance for a previous declaration of objection, and the amendment shall thereupon enter into force for that Party;
- (f) the Depositary shall without delay notify all Parties of any notification received pursuant to the preceding sub-paragraph; and (g) on expiry of the period referred to in subparagraph (e) above, the amendment to the annex shall become effective for all Parties to this Convention or to the Protocol concerned which have not submitted a notification in accordance with the provisions of that sub-paragraph.

3. The adoption and entry into force of a new annex shall be subject to the same procedure as that for the adoption and entry into force of an amendment to an annex as set out in the provisions of paragraph 2, provided that, if any amendment to the Convention or the Protocol concerned is involved, the new annex shall not enter into force until such time as that amendment enters into force.

4. Amendments to the Annex on Arbitration shall be considered to be amendments to this Convention or its Protocols and shall be proposed and adopted in accordance with the procedures set out in Article 24.

Article 26 SETTLEMENT OF DISPUTES

1. In case of a dispute between Parties as to the interpretation or application of this Convention or its Protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice. If the Parties concerned cannot reach agreement, they should seek the good offices of, or jointly request mediation by, a third Party.

2. If the Parties concerned cannot settle their dispute through the means mentioned in paragraph 1, the dispute shall, upon common agreement except as may be otherwise provided in any Protocol to this Convention, be submitted to arbitration under conditions laid down in the Annex on Arbitration to this Convention. However, failure to reach common agreement on submission of the dispute to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by means referred to in paragraph 1.

3. A Party may at any time declare that it recognizes as compulsory ipso facto and without special agreement, in relation to any other Party accepting the same obligation, the application of the arbitration procedure set out in the Annex on Arbitration. Such declaration shall be notified in writing to the Depositary who shall promptly communicate it to the other Parties.

Article 27 RELATIONSHIP BETWEEN THIS CONVENTION AND ITS PROTOCOLS

1. No State may become a Party to this Convention unless it becomes at the same time a Party to one or more Protocols. No State may become a Party to a Protocol unless it is, or becomes at the same time, a Party to this Convention.

2. Decisions concerning any Protocol pursuant to Articles 22, 24 and 25 of this Convention shall be taken only by the Parties to the Protocol concerned.

Article 28 SIGNATURE

This Convention, the Protocol Concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region, and the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping shall be open for signature at the South Pacific Commission Headquarters in Noumea, New Caledonia on 25 November 1986 and at the South Pacific Bureau for Economic Co-operation Headquarters, Suva, Fiji from 26 November 1986 to 25 November 1987 by States which were invited to participate in the Plenipotentiary Meeting of the High Level Conference on the Protection of the Natural Resources and Environment of the South Pacific Region held at Noumea, New Caledonia from 24 November 1986 to 25 November 1986.

Article 29 RATIFICATION, ACCEPTANCE OR APPROVAL

This Convention and any Protocol thereto shall be subject to ratification, acceptance or approval by States referred to in Article 28. Instruments of ratification, acceptance or approval shall be deposited with the Director who shall be the Depositary.

Article 30 ACCESSION

1. This Convention and any Protocol hereto shall be open to accession by the States referred to in Article 28 as from the day following the date on which the Convention or Protocol concerned was closed for signature.
2. Any State not referred to in paragraph 1 may accede to the Convention and to any Protocol subject to prior approval by three-fourths of the Parties to the Convention or the Protocol concerned.
3. Instruments of accession shall be deposited with the Depositary.

Article 31 ENTRY INTO FORCE

1. This Convention shall enter into force on the thirtieth day following the date of deposit of at least ten instruments of ratification, acceptance, approval or accession.
2. Any Protocol to this Convention, except as otherwise provided in such Protocol, shall enter into force on the thirtieth day following the date of deposit of at least five instruments of ratification, acceptance or approval of such Protocol, or of accession thereto, provided that no Protocol shall enter into force before the Convention. Should the requirements for entry into force of a Protocol be met prior to those for entry into force of the Convention pursuant to paragraph 1, such Protocol shall enter into force on the same date as the Convention.
3. Thereafter, this Convention and any Protocol shall enter into force with respect to any State referred to in Articles 28 or 30 on the thirtieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession.

Article 32 DENUNCIATION

1. At any time after two years from the date of entry into force of this Convention with respect to a Party, that Party may denounce the Convention by giving written notification to the Depositary.
2. Except as may be otherwise provided in any Protocol to this Convention, any Party may, at any time after two years from the date of entry into force of such Protocol with respect to that Party, denounce the Protocol by giving written notification to the Depositary.
3. Denunciation shall take effect ninety days after the date on which notification of denunciation is received by the Depositary.

4. Any Party which denounces this Convention shall be considered as also having denounced any Protocol to which it was a Party.

5. Any Party which, upon its denunciation of a Protocol is no longer a Party to any Protocol to this Convention, shall be considered as also having denounced this Convention.

Article 33 RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall inform the Parties, as well as the Organisation

(a) of the signature of this Convention and of any Protocol thereto and of the deposit of instruments of ratification, acceptance, approval, or accession in accordance with Articles 29 and 30;

(b) of the date on which the Convention and any Protocol will come into force in accordance with the provisions of Article 31;

(c) of notification of denunciation made in accordance with Article 32;

(d) of notification of any addition to the Convention Area in accordance with Article 3;

(e) of the amendments adopted with respect to the Convention and to any Protocol, their acceptance by the Parties and the date of their entry into force in accordance with the Provisions of Article 24; and

(f) of the adoption of new annexes and of the amendments of any annex in accordance with Article 25.

2. The original of this Convention and of any Protocol thereto shall be deposited with the Depositary who shall send certified copies thereof to the Signatories, the Parties, to the Organisation and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Convention.

DONE at Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six in a single copy in the English and French languages, the two texts being equally authentic.

ANNEX ON ARBITRATION

Article 1

Unless the agreement referred to in Article 26 of the Convention provides otherwise, the arbitration procedure shall be in accordance with the rules set out in this Annex.

Article 2

The claimant Party shall notify the Organisation that the Parties have agreed to submit the dispute to arbitration pursuant to paragraph 2, or that paragraph 3 of Article 26 of the Convention is applicable. The notification shall state the subject matter of the arbitration and include the provisions of the Convention or any Protocol thereto, the interpretation or application of which is the subject of disagreement. The Organisation shall transmit this information to all Parties to the Convention or Protocol concerned.

Article 3

1. The Tribunal shall consist of a single arbitrator if so agreed between the Parties to the dispute within thirty days from the date of receipt of the notification for arbitration.
2. In the case of the death, disability or default of the arbitrator, the Parties to a dispute may agree upon a replacement within thirty days of such death, disability or default.

Article 4

1. Where the Parties to a dispute do not agree upon a Tribunal in accordance with Article 3 of this Annex, the Tribunal shall consist of three members:
 - (i) one arbitrator nominated by each Party to the dispute,
 - (ii) a third arbitrator who shall be nominated by agreement between the two first named and who shall act as its Chairman.
2. If the Chairman of a Tribunal is not nominated within thirty days of nomination of the second arbitrator, the Parties to a dispute shall, upon the request of one Party, submit to the Secretary-General of the Organisation within a further period of thirty days, an agreed list of qualified persons. The Secretary-General shall select the Chairman from such list as soon as possible. He shall not select a Chairman who is, or has been, a national of one Party to the dispute except with the consent of the other Party to the dispute.
3. If one Party to a dispute fails to nominate an arbitrator as provided in subparagraph 1(i) within sixty days from the date of receipt of the notification for arbitration, the other Party may request the submission to the Secretary-General of the Organisation within a period of thirty days of an agreed list of qualified persons. The Secretary-General shall select the Chairman of the Tribunal from such list as soon as possible. The Chairman shall then request the Party which has not nominated an arbitrator to do so. If this Party does not nominate an arbitrator within fifteen days of such request, the Secretary-General shall, upon request of the Chairman, nominate the arbitrator from the agreed list of qualified persons.
4. In the case of the death, disability or default of an arbitrator, the Party to the dispute who nominated him shall nominate a replacement within thirty days of such death, disability or default. If the Party does not nominate a replacement, the arbitration shall proceed with the remaining arbitrators. In the case of the death, disability or default of the Chairman, a replacement shall be nominated in accordance with paragraphs 1(ii) and 2 within ninety days of such death, disability or default.
5. A list of arbitrators shall be maintained by the Secretary-General of the Organisation and composed of qualified persons nominated by the Parties. Each Party may designate for inclusion in the list four persons who shall not necessarily be its nationals. If the Parties to the dispute have failed within the specified time limits to submit to the Secretary-General an agreed list of qualified persons as provided for in paragraphs 2, 3 and 4, the Secretary-General shall select from the list maintained by him the arbitrator or arbitrators not yet nominated.

Article 5

The Tribunal may hear and determine counter-claims arising directly out of the subject matter of the dispute.

Article 6

The Tribunal may, at the request of one of the Parties to the dispute, recommend interim measures of protection.

Article 7

Each Party to the dispute shall be responsible for the costs entailed by the preparation of its own case. The remuneration of the members of the Tribunal and of all general expenses incurred by the arbitration shall be borne equally by the Parties to the dispute. The Tribunal shall keep a record of all its expenses and shall furnish a final statement thereof to the Parties.

Article 8

Any Party which has an interest of a legal nature which may be affected by the decision in the case may, after giving written notice to the Parties to the dispute which have originally initiated the procedure, intervene in the arbitration procedure with the consent of the Tribunal which should be freely given. Any intervenor shall participate at its own expense. Any such intervenor shall have the right to present evidence, briefs and oral arguments on the matter giving rise to its intervention, in accordance with procedures established pursuant to Article 9 of this Annex but shall have no rights with respect to the composition of the Tribunal.

Article 9

A Tribunal established under the provisions of this Annex shall decide its own rules of procedure.

Article 10

1. Unless a Tribunal consists of a single arbitrator, decisions of the Tribunal as to its procedure, its place of meeting, and any question related to the dispute laid before it, shall be taken by majority vote of its members. However, the absence or abstention of any member of the Tribunal who was nominated by a Party to the dispute shall not constitute an impediment to the Tribunal reaching a decision. In case of equal voting, the vote of the Chairman shall be decisive.

2. The Parties to the dispute shall facilitate the work of the Tribunal and in particular shall, in accordance with their legislation and using all means at their disposal:

(i) provide the Tribunal with all necessary documents and information; and

(ii) enable the Tribunal to enter their territory to hear witnesses or experts, and to visit the scene of the subject matter of the arbitration.

3. The failure of a Party to the dispute to comply with the provisions of paragraph 2 or to defend its case shall not preclude the Tribunal from reaching a decision and rendering an award.

Article 11

The Tribunal shall render its award within five months from the time it is established unless it finds it necessary to extend that time limit for a period not to exceed five months. The award of the Tribunal shall be accompanied by a statement of reasons for the decision. It shall be final and without appeal and shall be communicated to the Secretary-General of the Organisation who shall inform the Parties. The Parties to the dispute shall immediately comply with the award.

PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE SOUTH PACIFIC REGION BY DUMPING

The Parties to the Protocol,

Being Parties to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, adopted in Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

Recognizing the danger posed to the marine environment by pollution caused by the dumping of waste or other matter;

Considering that they have a common interest to protect the South Pacific Region from this danger, taking into account the unique environmental quality of the region;

Desiring to enter into a regional agreement consistent with the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 as provided in Article VIII thereof according to which the Contracting Parties to that Convention have undertaken to endeavour to act consistently with the objectives and provisions of such regional agreement;

Have agreed as follows:

Article 1 DEFINITIONS

For the purpose of this Protocol "Convention" means the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six.

Article 2 GEOGRAPHICAL COVERAGE

The area to which this Protocol applies, hereinafter referred to as the "Protocol Area", shall be the Convention Area as defined in Article 2 of the Convention together with the continental shelf of a Party where it extends, in accordance with international law, outward beyond the Convention Area.

Article 3 GENERAL OBLIGATIONS

1. The Parties shall take all appropriate measures to prevent, reduce and control pollution in the Protocol Area by dumping.
2. Dumping within the territorial sea and the exclusive economic zone or onto the continental shelf of a Party as defined in international law shall not be carried out without the express prior approval of that Party, which has the right to permit, regulate and control such dumping taking fully into account the provisions of this Protocol, and after due consideration of the matter with other Parties which by reason of their geographical situation may be adversely affected thereby.
3. National laws, regulations and measures adopted by the Parties shall be no less effective in preventing, reducing and controlling pollution by dumping than the relevant internationally recognized rules and procedures relating to the control of dumping established within the framework of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

Article 4 PROHIBITED SUBSTANCES

1. The dumping in the Protocol Area of wastes or other matter listed in Annex I to this Protocol is prohibited except as provided in this Protocol.

2. No provision of this Protocol is to be interpreted as preventing a Party from prohibiting, insofar as that Party is concerned the dumping of wastes or other matter not mentioned in Annex I. That Party shall notify such measures to the Organisation.

Article 5 SPECIAL PERMITS

The dumping in the Protocol Area of wastes or other matter listed in Annex II to this Protocol requires, in each case, a prior special permit.

Article 6 GENERAL PERMITS

The dumping in the Protocol Area of all wastes or other matter not listed in Annexes I and II to this Protocol requires a prior general permit.

Article 7 FACTORS GOVERNING THE ISSUE OF PERMITS

The permits referred to in Articles 5 and 6 shall be issued only after careful consideration of all the factors set forth in Annex III to this Protocol. The Organisation shall receive records of such permits.

Article 8 ALLOCATION OF SUBSTANCES TO ANNEXES

Substances are allocated to Annexes I and II of this Protocol in accordance with Annex IV.

Article 9 FORCE MAJEURE

The provisions of Articles 4, 5 and 6 shall not apply when it is necessary to secure the safety of human life or of vessels, aircraft, platforms or other man-made structures at sea in cases of force majeure caused by stress of weather, or in any case which constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures at sea, if dumping appears to be the only way of averting the threat and if there is every probability that the damage consequent upon such dumping will be less than would otherwise occur. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life. Such dumping shall immediately be reported to the Organisation and, either through the Organisation or directly, to any Party or Parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 10 EMERGENCIES

1. A Party may issue a special permit as an exception to Article 4, in emergencies arising in the Protocol Area, posing unacceptable risk relating to human health and admitting no other feasible solution. Before doing so the Party shall consult any other country or countries that are likely to be affected and the Organisation which, after consulting other Parties, and international organisations as appropriate, shall in accordance with Article 15 promptly recommend to the Party the most appropriate procedures to adopt. The Party shall follow these recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment and shall inform the Organisation of the action it takes. The Parties pledge themselves to assist one another in such situations.

2. This article does not apply with respect to materials in whatever form produced for biological and chemical warfare referred to in paragraph 6 of Section A of Annex I.

3. Any Party may waive its rights under paragraph 1 at the time of, or subsequent to, ratification, acceptance or approval of, or accession to this Protocol.

Article 11 ISSUANCE OF PERMITS

1. Each Party shall designate an appropriate authority or authorities to:

(a) issue the special permits provided for in Article 5 and in the emergency circumstances provided for in Article 10;

(b) issue the general permits provided for in Article 6;

(c) keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping; and

(d) monitor individually, or in collaboration with other Parties, and competent international organisations, the condition of the Protocol Area for the purposes of this Protocol.

2. The appropriate authority or authorities of each Party shall issue the permits provided for in Articles 5 and 6 and in the emergency circumstances provided for in Article 10 in respect of the wastes or other matter intended for dumping:

(a) loaded in its territory or at its offshore terminals; or

(b) loaded by vessels flying its flag or vessels or aircraft of its registry when the loading occurs in the territory or at the offshore terminals of a State not Party to this Protocol.

3. In issuing permits under paragraphs 1 (a) and (b) the appropriate authority or authorities shall comply with Annex III together with such additional criteria, measures and requirements as they may consider relevant.

Article 12 IMPLEMENTATION AND ENFORCEMENT

1. Each Party shall apply the measures required to implement this Protocol to all:

(a) vessels flying its flag and vessels and aircraft of its registry;

(b) vessels and aircraft loading in its territory or at its offshore terminals wastes or other matter which are to be dumped; and

(c) vessels, aircraft and fixed or floating platforms believed to be engaged in dumping in areas under its jurisdiction.

2. Each Party shall take in its territory appropriate measures to prevent and punish conduct in contravention of the provisions of this Protocol.

3. The Parties agree to co-operate in the development of procedures for the effective application of this Protocol particularly on the high seas, including procedures for the reporting of vessels and aircraft observed dumping in contravention of the Protocol.

4. This Protocol shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However, each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Protocol and shall inform the Organisation accordingly.

Article 13 ADOPTION OF OTHER MEASURES

Nothing in this Protocol shall affect the right of each Party to adopt other measures, in accordance with the principles of international law, to prevent dumping.

Article 14 REPORTING OF DUMPING INCIDENTS

Each Party undertakes to issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the Protocol Area which give rise to suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur. That Party shall, if it considers it appropriate, report accordingly to the Organisation and to any other Party concerned.

Article 15 INSTITUTIONAL ARRANGEMENTS

The Parties designate the Organisation to carry out the following functions:

- (a) to assist the Parties, upon request, in the communication of reports in accordance with Articles 9 and 14;
- (b) to convey to the Parties concerned all notifications received by the Organisation in accordance with Articles 4(2) and 10;
- (c) to transmit to the International Maritime Organisation as the organisation responsible for the secretariat functions under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 records and any other information received in accordance with Article 7;
- (d) to keep itself informed on evolving international standards and the results of research and investigation, and to advise meetings of Parties to this Protocol of such developments and any modification of the Annexes which may become desirable; and
- (e) to carry out other duties assigned to it by the Parties.

Article 16 MEETING OF THE PARTIES

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Parties to the Convention held pursuant to Article 22 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with Article 22 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol to:

- (a) keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of Annexes.
- (b) study and consider the records of the permits issued in accordance with Articles 5, 6, 7 and the emergency situation in Article 10, and of the dumping which has taken place;
- (c) review and amend as required any Annex to this Protocol taking into account Annex IV;
- (d) adopt as necessary guidelines for the preparation of records and procedures to be followed in submitting such records for the purposes of Article 7;
- (e) develop, adopt and implement in consultation with the Organisation and other competent international organisations procedures pursuant to Article 10 including basic criteria for determining emergency circumstances and procedures for consultative advice and the safe disposal, storage or destruction of matter in such circumstances.
- (f) invite, as necessary, the appropriate scientific body or bodies to collaborate with and to advise the Parties and the Organisation on any scientific or technical aspects relevant to this Protocol, including particularly the content and applicability of the Annexes; and
- (g) perform such other functions as may be appropriate for the implementation of this Protocol.

3. The adoption of amendments to the Annexes to this Protocol pursuant to Article 25 of the Convention shall require a three-fourths majority vote of the Parties to this Protocol.

Article 17 RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION

1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.
2. The rules of procedures and the financial rules adopted pursuant to Article 22 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorised by their respective Governments, have signed this Protocol.

DONE at Noumea, New Caledonia on the twenty-fifth day of November in the year one thousand nine hundred and eighty-six, in a single copy in the English and French languages, the two texts being equally authentic.

ANNEX I

A

The following substances and materials are listed for the purposes of Article 4 of this Protocol:

1. Organohalogen compounds.
2. Mercury and mercury compounds.
3. Cadmium and cadmium compounds.
4. Persistent plastics and other persistent synthetic materials, for example, netting and ropes, which may remain in suspension in the sea in such a manner as to interfere materially with fishing, navigation or other legitimate uses of the sea.
5. Crude oil and its wastes, refined petroleum products, petroleum distillate residues and any mixtures containing any of these taken on board for the purpose of dumping.
6. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases, or in a living state) produced for biological and chemical warfare.
7. Organosphorous compounds.

B

Section A does not apply to substances, other than substances produced for biological or chemical warfare, which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not:

- make edible marine organisms unpalatable, or
- endanger human health or that of marine biota.

The consultative procedure provided for under Article 10 shall be followed by a Party if there is doubt about the harmlessness of the substance.

C

This Annex does not apply to wastes or other materials, such as sewage sludges and dredged spoils, containing the matters referred to in paragraphs 1-5 of Section A as trace contaminants. The dumping of such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following substances and materials requiring special care are listed for the purposes of Article 5 of this Protocol.

A

Wastes containing a significant amount of the matters listed below:

arsenic)
 lead) and their compounds
 copper)
 zinc)

organosilicon compounds
 cyanides
 fluorides
 pesticides and their by-products not covered in Annex I.

B

In the issue of permits for the dumping of acids and alkalis, consideration shall be given to the possible presence in such wastes of the substances listed in section A and to the following additional substances:

beryllium)
 chromium) and their compounds
 nickel)
 vanadium)

C

Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.

D

Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea, taking into account Article 7 of this Protocol, include:

A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form (e.g. solid, sludge, liquid, or gaseous).

3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (e.g. fish, shellfish, etc.).
9. In issuing a permit for dumping, Parties should consider whether an adequate scientific basis and sufficient knowledge of the composition and characteristics of the wastes or other matter proposed for dumping exist for assessing the impact of such material on the marine environment and human health.

B. CHARACTERISTICS OF DUMPING SITE AND METHOD OF DEPOSIT

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed methods of release.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution, dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD), nitrogen present in organic and mineral form including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. In issuing a permit for dumping, Parties should consider whether an adequate scientific basis exists for assessing the consequences of such dumping, as outlined in this Annex taking into account seasonal variations.

C. GENERAL CONSIDERATIONS AND CONDITIONS

1. Possible effects on amenities (e.g. presence of floating or stranded materials, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structure, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance of scientific or conservation purposes).

4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for dumping at sea.

D. REFERENCES

Reference should also be made to "Guidelines for the Implementation and Uniform Interpretation of Annex III" as adopted by the Consultative Meeting of Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972.

ANNEX IV

ALLOCATION OF SUBSTANCES TO ANNEXES

1. Substances are allocated to Annexes I and II on the ground of any combination of the following criteria:

Persistence and degradability,
Bioaccumulation potential,
Toxicity to marine life,
Toxicity to man, domestic animals, marine mammals and birds
preying on marine organisms,
Carcinogenicity and mutagenicity,
Ability to interfere with other legitimate uses of the sea.

2. Annex I substances are those which have a high degree of persistence coupled with:

(a) the ability to accumulate to harmful levels in terms of toxicity to marine organisms and their predators, to domestic animals or to man; or

(b) the ability to accumulate through marine pathways to levels harmful in terms of carcinogenicity or mutagenicity to domestic animals or to man; or

(c) the ability to cause interference with fisheries, amenities or other legitimate uses of the sea.

3. Annex II substances are all those considered suitable for inclusion in Annexes except for those allocated to Annex I.

**PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION
EMERGENCIES IN THE SOUTH PACIFIC REGION**

The Parties to this Protocol,

Being Parties to the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia on the twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

Conscious that the exploration, development and use of offshore and near shore minerals and the use of hazardous substances, as well as related vessel traffic, pose the threat of significant pollution emergencies in the South Pacific Region;

Aware that the islands of the region are particularly vulnerable to damage resulting from significant pollution due to the sensitivity of their ecosystems and their economic reliance on the continuous utilization of their coastal areas;

Recognizing that in the event of a pollution emergency or threat thereof, prompt and effective action should be taken initially at the national level to organise and co-ordinate prevention, mitigation and cleanup activities;

Recognizing further the importance of rational preparation and mutual co-operation and assistance in responding effectively to pollution emergencies or the threat thereof;

Determined to avert ecological damage to the marine environment and coastal areas of the South Pacific Region through the adoption of national contingency plans to be co-ordinated with appropriate bilateral and sub-regional contingency plans;

Have agreed as follows:

Article 1 DEFINITIONS

For the purposes of this Protocol:

(a) "Convention" means the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region adopted in Noumea, New Caledonia on twenty-fourth day of November in the year one thousand nine hundred and eighty-six;

(b) "South Pacific Region" means the Convention Area as defined in Article 2 of the Convention and adjacent coastal areas;

(c) "related interests" of a Party refer, inter alia, to:

(i) maritime, coastal, port, or estuarine activities;

(ii) fishing activities and the management and conservation of living and non-living marine resources, including coastal ecosystems;

(iii) the cultural value of the area concerned and the exercise of traditional customary rights therein;

(iv) the health of the coastal population;

(v) tourist and recreational activities;

(d) "pollution incident" means a discharge or significant threat of a discharge of oil or other hazardous substance, however caused, resulting in pollution or an imminent threat of pollution to the marine and coastal environment or which adversely affects the related interests of one or more of the Parties and of a magnitude

that requires emergency action or other immediate response for the purpose of minimizing its effects or eliminating its threat.

Article 2 APPLICATION

This Protocol applies to pollution incidents in the South Pacific Region.

Article 3 GENERAL PROVISIONS

1. The Parties to this Protocol shall, within their respective capabilities, co-operate in taking all necessary measures for the protection of the South Pacific Region from the threat and effects of pollution incidents.

2. The Parties shall, within their respective capabilities, establish and maintain, or ensure the establishment and maintenance of, the means of preventing and combating pollution incidents, and reducing the risk thereof. Such means shall include the enactment, as necessary, of relevant legislation, the preparation of contingency plans, the development or strengthening of the capability to respond to a pollution incident and the designation of a national authority responsible for the implementation of this Protocol.

Article 4 EXCHANGE OF INFORMATION

Each Party shall periodically exchange with other Parties, either directly or through the Organisation, current information relating to the implementation of this Protocol, including the identification of the officials charged with carrying out the activities covered by it, and information on its laws, regulations, institutions and operational procedures relating to the prevention and the means of reducing and combating the harmful effects of pollution incidents.

Article 5 COMMUNICATION OF INFORMATION CONCERNING, AND REPORTING OF, POLLUTION INCIDENTS

1. Each Party shall establish appropriate procedures to ensure that information regarding pollution incidents is reported as rapidly as possible and shall, inter alia:

- (a) require appropriate officials of its government to report to it the occurrence of any pollution incident which comes to their attention;
- (b) require masters of vessels flying its flag and persons in charge of offshore facilities operating under its jurisdiction to report to it the existence of any pollution incident involving their vessel or facilities;
- (c) establish procedures to encourage masters of vessels flying its flag or of its registry to report, to the extent practicable, the existence of any pollution incident involving their vessel to any coastal State in the South Pacific Region which they deem likely to be seriously affected;
- (d) request masters of all vessels and pilots of all aircraft operating in the vicinity of its coasts to report to it any pollution incident of which they are aware.

2. In the event of receiving a report regarding a pollution incident, each Party shall promptly inform all other Parties whose interests are likely to be affected by such incident as well as the flag State of any vessel involved in it. Each Party shall also inform the Organisation and, directly or through the Organisation, the competent international organisations. Furthermore, it shall inform, as soon as feasible, such other Parties and organisations of any measures it has itself taken to minimize or reduce pollution or the threat thereof.

Article 6 MUTUAL ASSISTANCE

1. Each Party requiring assistance to deal with a pollution incident may request, either directly or through the Organisation, the assistance of the other Parties. The Party requesting assistance shall specify the type of assistance it requires. The Parties whose assistance is requested under this article shall, within their capabilities, provide this assistance based on an agreement with the requesting Party or Parties and taking into account, in particular in the case of pollution by hazardous substances other than oil, the technological means available to them. If the Parties responding jointly within the framework of this article so request, the Organisation may co-ordinate the activities undertaken as a result. 2. Each Party shall facilitate the movement of technical personnel, equipment and material necessary for responding to a pollution incident, into, out of and through its territory.

Article 7 OPERATIONAL MEASURES

Each Party shall, within its capabilities, take steps including those outlined below in responding to a pollution incident:

- (a) make a preliminary assessment of the incident, including the type and extent of existing or likely pollution effects;
- (b) promptly communicate information concerning the situation to other Parties and the Organisation pursuant to article 5;
- (c) promptly determine its ability to take effective measures to respond to the pollution incident and the assistance that might be required and to communicate any request for such assistance to the Party or Parties concerned or the Organisation in accordance with article 6;
- (d) consult, as appropriate, with other affected or concerned Parties or the Organisation in determining the necessary response to a pollution incident;
- (e) carry out the necessary measures to prevent, eliminate or control the effects of the pollution incident, including surveillance and monitoring of the situation.

Article 8 SUB-REGIONAL ARRANGEMENTS

1. The Parties should develop and maintain appropriate sub-regional arrangements, bilateral or multilateral, in particular to facilitate the steps provided for in articles 6 and 7 and taking into account the general provisions of this Protocol.

2. The Parties to any arrangements shall notify the other Parties to this Protocol as well as the Organisation of the conclusion of such sub-regional arrangements and the provisions thereof.

Article 9 INSTITUTIONAL ARRANGEMENTS

The Parties designate the Organisation to carry out the following functions:

- (a) assisting Parties, upon request, in the communication of reports of pollution incidents in accordance with article 5;
- (b) assisting Parties, upon request, in the organisation of a response action to a pollution incident, in accordance with article 6;
- (c) assisting Parties, upon request, in the following areas:
 - (i) the preparation, periodic review, and updating of the contingency plans, referred to in paragraph 2 of Article 3, with a view, inter alia, to promoting the compatibility of the plans of the Parties; and

- (ii) the identification of training courses and programmes;
- (d) assisting the Parties upon request, on a regional or sub-regional basis, in the following areas:
 - (i) the co-ordination of emergency response activities; and
 - (ii) the provision of a forum for discussions concerning emergency response and other related topics;
- (e) establishing and maintaining liaison with:
 - (i) appropriate regional and international organisations; and
 - (ii) appropriate private organisations, including producers and transporters of substances which could give rise to a pollution incident in the South Pacific Region and clean-up contractors and cooperatives;
- (f) maintaining an appropriate current inventory of available emergency response equipment;
- (g) disseminating information related to the prevention and control of pollution incidents and the removal of pollutants resulting therefrom;
- (h) identifying or maintaining emergency response communications systems;
- (i) encouraging research by the Parties, as well as by appropriate international and private organisations, on the environmental effects of pollution incidents, the environmental effects of pollution incident control materials and other matters related to pollution incidents;
- (j) assisting Parties in the exchange of information pursuant to article 4; and
- (k) preparing reports and carrying out other duties assigned to it by the Parties.

Article 10 MEETINGS OF THE PARTIES

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Parties to the Convention, held pursuant to article 22 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided for in article 22 of the Convention.

2. It shall be the function of the meetings of the Parties:

- (a) to review the operation of this Protocol and to consider special technical arrangements and other measures to improve its effectiveness;
- (b) to consider any measures to improve cooperation under this Protocol including, in accordance with article 24 of the Convention, amendments to this Protocol.

Article 11 RELATIONSHIP BETWEEN THIS PROTOCOL AND THE CONVENTION

- 1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.
- 2. The rules of procedure and the financial rules adopted pursuant to article 22 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

DONE at Noumea, New Caledonia on the twenty-fifth day of November in the year one thousand nine hundred and eighty-six, in a single copy in the English and French languages, the two texts being equally authentic.

CONVENTION FOR THE PROHIBITION OF FISHING WITH LONG DRIFTNETS IN THE SOUTH PACIFIC

Adopted at Wellington on 24 November 1989

Entered into force 17 May 1991

The Parties to this Convention,

Recognising the importance of marine living resources to the people of the South Pacific region;

Profoundly concerned at the damage now being done by pelagic driftnet fishing to the albacore tuna resource and to the environment and economy of the South Pacific region;

Concerned also for the navigational threat posed by driftnet fishing;

Noting that the increasing fishing capacity induced by large scale driftnet fishing threatens the fish stocks in the South Pacific;

Mindful of the relevant rules of international law, including the provisions of the United Nations Convention on the Law of the Sea done at Montego Bay on 10 December 1982, in particular Parts V, VII and XVI;

Recalling the Declaration of the South Pacific Forum at Tarawa, 11 July 1989 that a Convention should be adopted to ban the use of driftnets in the South Pacific region;

Recalling also the Resolution of the 29th South Pacific Conference at Guam, which called for an immediate ban on the practice of driftnet fishing in the South Pacific Commission region;

Have agreed as follows:

Article 1 DEFINITIONS

For the purposes of this Convention and its Protocols:

(a) the "Convention Area",

(i) subject to sub-paragraph (ii) of this paragraph, shall be the area lying within 10 degrees North latitude and 50 degrees South latitude and 130 degrees East longitude and 120 degrees West longitude, and shall also include all waters under the fisheries jurisdiction of any Party to this Convention.

(ii) in the case of a State or Territory which is Party to the Convention by virtue of paragraph 1(b) or 1(c) of Article 10, it shall include only waters under the fisheries jurisdiction of that Party, adjacent to the Territory referred to in paragraph 1(b) or 1(c) of Article 10;

(b) "driftnet" means a gillnet or other net or a combination of nets which is more than 2.5 kilometres in length the purpose of which is to enmesh, entrap or entangle fish by drifting on the surface of or in the water;

(c) "driftnet fishing activities" means:

(i) catching, taking or harvesting fish with the use of a driftnet;

(ii) attempting to catch, take or harvest fish with the use of a driftnet;

(iii) engaging in any other activity which can reasonably be expected to result in the catching, taking or harvesting of fish with the use of a driftnet, including searching for and locating fish to be taken by that method;

(iv) any operations at sea in support of, or in preparation for any activity described in this paragraph, including operations of placing, searching for or recovering fish aggregating devices or associated electronic equipment such as radio beacons;

(v) aircraft use, relating to the activities described in this paragraph, except for flights in emergencies involving the health or safety of crew members or the safety of a vessel; OR

(vi) transporting, transshipping and processing any driftnet catch, and co-operation in the provision of food, fuel and other supplies for vessels equipped for or engaged in driftnet fishing;

(d) the "FFA" means the South Pacific Forum Fisheries Agency; and

(e) "fishing vessel" means any vessel or boat equipped for or engaged in searching for, catching, processing or transporting fish or other marine organisms.

Article 2 MEASURES REGARDING NATIONALS AND VESSELS

Each Party undertakes to prohibit its nationals and vessels documented under its laws from engaging in driftnet fishing activities within the Convention Area.

Article 3 MEASURES AGAINST DRIFTNET FISHING ACTIVITIES

(1) Each Party undertakes:

(a) not to assist or encourage the use of driftnets within the Convention Area; and

(b) to take measures consistent with international law to restrict driftnet fishing activities within the Convention Area, including but not limited to:

(i) prohibiting the use of driftnets within areas under its fisheries jurisdiction; and

(ii) prohibiting the transshipment of driftnet catches within areas under its jurisdiction.

(2) Each Party may also take measures consistent with international law to:

(a) prohibit the landing of driftnet catches within its territory;

(b) prohibit the processing of driftnet catches in facilities under its jurisdiction;

(c) prohibit the importation of any fish or fish product, whether processed or not, which was caught using a driftnet;

(d) restrict port access and port servicing facilities for driftnet fishing vessels; and

(e) prohibit the possession of driftnets on board any fishing vessel within areas under its fisheries jurisdiction.

(3) Nothing in this Convention shall prevent a Party from taking measures against driftnet fishing activities which are stricter than those required by the Convention.

Article 4 ENFORCEMENT

(1) Each Party shall take appropriate measures to ensure the application of the provisions of this Convention.

(2) The Parties undertake to collaborate to facilitate surveillance and enforcement of measures taken by Parties pursuant to this Convention.

(3) The Parties undertake to take measures leading to the withdrawal of good standing on the Regional Register of Foreign Fishing Vessels maintained by the FFA against any vessel engaging in driftnet fishing activities.

Article 5 CONSULTATION WITH NON-PARTIES

(1) The Parties shall seek to consult with any State which is eligible to become a Party to this Convention on any matter relating to driftnet fishing activities which appear to affect adversely the conservation of marine living resources within the Convention Area or the implementation of the Convention or its Protocols.

(2) The Parties shall seek to reach agreement with any State referred to in paragraph 1 of this Article, concerning the prohibitions established pursuant to Articles 2 and 3.

Article 6 INSTITUTIONAL ARRANGEMENTS

(1) The FFA shall be responsible for carrying out the following functions:

(a) The collection, preparation and dissemination of information on driftnet fishing activities within the Convention Area;

(b) The facilitation of scientific analyses on the effects of driftnet fishing activities within the Convention Area, including consultations with appropriate regional and international organisations; and

(c) The preparation and transmission to the Parties of an annual report on any driftnet fishing activities within the Convention Area and the measures taken to implement this Convention or its Protocols.

(2) Each Party shall expeditiously convey to the FFA:

(a) information on the measures adopted by it pursuant to the implementation of the Convention; and

(b) information on, and scientific analyses on the effects of, driftnet fishing activities relevant to the Convention Area.

(3) All Parties, including States or Territories not members of the FFA and the FFA shall co-operate to promote the effective implementation of this Article.

Article 7 REVIEW AND CONSULTATION AMONG PARTIES

(1) Without prejudice to the conduct of consultations among Parties by other means, the FFA, at the request of three Parties, shall convene meetings of the Parties to review the implementation of this Convention and its Protocols.

(2) Parties to the Protocols shall be invited to any such meeting and to participate in a manner to be determined by the Parties to the Convention.

Article 8 CONSERVATION AND MANAGEMENT MEASURES

Parties to this Convention shall co-operate with each other and with appropriate distant water fishing nations and other entities or organisations in the development of conservation and management measures for South Pacific albacore tuna within the Convention Area.

Article 9 PROTOCOLS

This Convention may be supplemented by Protocols or associated instruments to further its objectives.

Article 10 SIGNATURE, RATIFICATION AND ACCESSION

(1) This Convention shall be open for signature by:

(a) any member of the FFA; and

(b) any State in respect of any Territory situated within the Convention Area for which it is internationally responsible; or

(c) any Territory situated within the Convention Area which has been authorised to sign the Convention and to assume rights and obligations under it by the Government of the State which is internationally responsible for it.

(2) This Convention is subject to ratification by members of the FFA and the other States and Territories referred to in paragraph 1 of this Article. The instruments of ratification shall be deposited with the Government of New Zealand which shall be the Depositary.

(3) This Convention shall remain open for accession by the members of the FFA and the other States and Territories referred to in paragraph 1 of this Article. The instruments of accession shall be deposited with the Depositary.

Article 11 RESERVATIONS

This Convention shall not be subject to reservations.

Article 12 AMENDMENTS

(1) Any Party may propose amendments to this Convention.

(2) Amendments shall be adopted by consensus among the Parties.

(3) Any amendments adopted shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.

(4) An amendment shall enter into force thirty days after receipt by the Depositary of instruments of ratification, approval or acceptance from all Parties.

Article 13 ENTRY INTO FORCE

(1) This Convention shall enter into force on the date of deposit of the fourth instrument of ratification or accession.

(2) For any member of the FFA or a State or Territory which ratifies or accedes to this Convention after the date of deposit of the fourth instrument of ratification or accession, the Convention shall enter into force on the date of deposit of its instrument of ratification or accession.

Article 14 CERTIFICATION AND REGISTRATION

(1) The original of this Convention and its Protocols shall be deposited with the Depositary, which shall transmit certified copies to all States and Territories eligible to become Party to the Convention and to all States eligible to become Party to a Protocol to the Convention.

(2) The Depositary shall register this Convention and its Protocols in accordance with Article 102 of the Charter of the United Nations.

DONE at Wellington this twenty-fourth day of November 1989 in the English and French languages, each text being equally authentic.

CONVENTION TO BAN THE IMPORTATION INTO FORUM ISLAND COUNTRIES OF HAZARDOUS AND RADIOACTIVE WASTE AND TO CONTROL THE TRANSBOUNDARY MOVEMENT AND MANAGEMENT OF HAZARDOUS WASTE WITHIN THE SOUTH PACIFIC REGION

**Adopted at Waigani, PNG on 16 September 1995
Not yet in force.**

PREAMBLE

The Parties to this Convention:

Conscious of their responsibility to protect, preserve and improve the environment of the South Pacific for the good health, benefit and enjoyment of present and future generations of the people of the South Pacific;

Concerned about the growing threat to human health and the environment posed by the increasing generation of hazardous wastes and the disposal of such wastes by environmentally unsound methods;

Concerned also about the dangers posed by radioactive wastes to the people and environment of the South Pacific;

Aware that their responsibilities to protect, preserve and improve the environment of the South Pacific can be met only by cooperative effort among all peoples of the South Pacific based on an understanding of the needs and capacities of all Parties;

Taking full account of the Programme of Action for the Sustainable Development of Small Island Developing States adopted in Barbados on 6 May 1994;

Noting with concern that a number of approaches have been made to certain Island Countries of the South Pacific by unscrupulous foreign waste dealers for the importation into and the disposal within the South Pacific of hazardous wastes generated in other countries;

Concerned by the slowness of progress towards a satisfactory resolution of the issues surrounding international trade in goods which have been banned, cancelled or refused registration in the country of manufacture for human health or environmental reasons;

Recalling their commitments under existing regional treaties and arrangements for the protection and preservation of the environment of the South Pacific, including the Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, signed in Noumea on 24 November 1986, the Protocol concerning Cooperation in Combating Pollution Emergencies in the South Pacific Region, adopted by Parties on 25 November 1986, and the South Pacific Nuclear Free Zone Treaty, signed in Rarotonga on 6 August 1985;

Further Recalling the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal adopted by the Conference of the Plenipotentiaries on 22 March 1989, and noting decisions of its Conference of the Parties including Decision II 12 of 25 March 1994;

Desiring to conclude an agreement under Article 11 of the Basel Convention;

Mindful of the International Atomic Energy Agency (IAEA) Code of Practice on the International Transboundary Movement of Radioactive Waste and recognising the need for its strict observance in the South Pacific Region;

Noting as well the preliminary negotiations on a Convention on the Safe Management of Nuclear Waste;

Further Recalling 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 and the Recommendations of the United Nations Committee of Experts on the Transport of Dangerous Goods (formulated in 1957 and updated biennially);

Recalling also Agenda 21 adopted by the United Nations Conference on Environment and Development in Rio de Janeiro on 14 June 1992, which reaffirms that effective control of the generation, storage, treatment, recycling and reuse, transport, recovery, and disposal of hazardous wastes is of paramount importance for proper health, environmental protection and natural resources management and sustainable development;

Resolving to prohibit the importation of hazardous wastes into Pacific Island Developing Parties, and to regulate and facilitate the environmentally sound management of such wastes generated within the Convention Area; and

Resolving also to prohibit the importation of all radioactive wastes into Pacific Island Developing Parties while at the same time recognising that the standards, procedures and the authorities responsible for the environmentally sound management of radioactive wastes will differ from those in respect of hazardous wastes.

Have agreed as follows:

Article 1 DEFINITIONS

For the purposes of this Convention:

“Approved site or facility” means a site or facility for the disposal of hazardous wastes which is authorised or permitted to operate for this purpose by a relevant authority of the Party where the site or facility is located;

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

“Authorised transboundary movement” means a transboundary movement of hazardous wastes to which the consent of the Parties concerned has been given in accordance with the provisions of this Convention;

“Basel Convention” means the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989;

“Carrier” means any person who carries out the transport of hazardous wastes;

“Cleaner production” means the conceptual and procedural approach to production that demands that all phases of the life-cycle of a product or process should be addressed, with the objective of prevention or minimisation of short and long-term risks to humans and to the environment;

“Competent authority” means any one governmental authority designated by a Party to be responsible within such geographical areas as the Party may think fit for receiving the notification of a transboundary movement of hazardous wastes and any information related to it, and for responding to such a notification, as provided in Article 6 of this Convention;

“Convention Area” shall comprise:

(i) the land territory, internal waters, territorial sea, continental shelf, archipelagic waters and exclusive economic zones established in accordance with international law of:

- | | |
|----------------------------------|--|
| - American Samoa | - The Commonwealth of Northern Mariana Islands |
| - Australia | - Republic of Palau |
| - Cook Islands | - Papua New Guinea |
| - Federated States of Micronesia | - Pitcairn |
| - Fiji | - Solomon Islands |
| - French Polynesia | - Tokelau |
| - Guam | - Tonga |
| - Kiribati | - Tuvalu |
| - Republic of Marshall Islands | |

- | | |
|----------------------------------|---------------------|
| - Nauru | - Vanuatu |
| - New Caledonia and Dependencies | - Wallis and Futuna |
| - New Zealand | - Western Samoa; |
| - Niue | |

(ii) those areas of high seas which are enclosed from all sides by the exclusive economic zones referred to in sub-paragraph (i);

(iii) areas of the Pacific Ocean which have been included in the Convention Area pursuant to Article 2.6;

“Countries concerned” means countries of export, import or transit whether or not Parties to this Convention;

“Days” means calendar days unless otherwise specified;

“Disposal” means any operation specified in Annex V to this Convention;

“Disposer” means any person for whom hazardous wastes are destined and who carries out the actual disposal of such wastes;

“Domestically prohibited goods” means substances or products which have been banned, cancelled or refused registration by government regulatory action, or voluntarily withdrawn from registration in the country of manufacture, for human health or environmental reasons;

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

“Exporter” means any person under the jurisdiction of the exporting Party who arranges for hazardous wastes to be exported;

“Exporting Party” means a Party from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated;

“Focal point” means the entity of a Party referred to in Article 5 of this Convention responsible for receiving and submitting information as provided for in Articles 7 and 14;

“Forum Island Countries” means all Members of the South Pacific Forum with the exception of Australia and New Zealand;

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

“Hazardous wastes” means wastes as specified in Article 2 of this Convention;

“IAEA” means the International Atomic Energy Agency;

“Illegal traffic” means any transboundary movement of hazardous wastes as specified in Article 9 of this Convention;

“Importer” means any person under the jurisdiction of the importing Party who arranges for hazardous wastes to be imported;

“Importing Party” means a Party to which transboundary movement of hazardous 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;

“London Convention” means the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972;

“Management” means the prevention and reduction of hazardous wastes and the collection, transport, storage,

and treatment or disposal, of hazardous wastes including after-care of disposal sites;

“Other Party” means a Party listed in Annex IV or any Party which is accepted by the Conference of the Parties to be an Other Party in accordance with the procedures established pursuant to Article 13.4(g);

“Pacific Island Developing Party” means a Party listed in Annex III or any Party which is accepted by the Conference of the Parties to be a Pacific Island Developing Party in accordance with the procedures established pursuant to Article 13.4(g);

“Party” means a Party to this Convention;

“Person” means any natural or legal person;

“Precautionary principle” means the principle that in order to protect the environment, the precautionary approach shall be widely applied by Parties 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;

“Radioactive wastes” means wastes which, as a result of being radioactive, are subject to other international control systems, including international instruments, applying specifically to radioactive materials;

“Secretariat” means the Secretariat established pursuant to Article 14 of this Convention;

“SPREP” means the South Pacific Regional Environment Programme;

“Transboundary movement” means any movement of hazardous wastes from an area under the jurisdiction of any Party, to or through an area under the jurisdiction of another Party, or to or through an area not under the jurisdiction of another Party, provided at least two Parties are involved in the movement;

“Transit Party” means any Party, other than the exporting Party or importing Party, through which a movement of hazardous wastes is planned or takes place;

“Vessels” and “Aircraft” mean waterborne or airborne craft of any type whatsoever. This expression includes air cushioned craft and floating craft, whether self-propelled or not;

“Wastes” means substances or materials which are disposed of, or are intended to be disposed of, or are required to be disposed of, by provisions of national legislation.

Article 2 SCOPE OF THE CONVENTION AND AREA OF COVERAGE

Scope of the Convention

1. The following substances shall be “hazardous wastes” for the purposes of this Convention:
 - (a) Wastes that belong to any category contained in Annex I of this Convention, unless they do not possess any of the characteristics contained in Annex II of this Convention; and
 - (b) Wastes that are not covered under sub-paragraph (a) above, but which are defined as, or are considered to be, hazardous wastes by the national legislation of the exporting, importing or transit Party to, from or through which such wastes are to be sent.
2. Radioactive wastes are excluded from the scope of this Convention except as specifically provided for in Articles 4.1, 4.2, 4.3, and 4.5 of this Convention.
3. Wastes which derive from the normal operations of a vessel, the discharge of which is covered by another international instrument, shall not fall within the scope of this Convention.
4. Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea, the sovereign rights and jurisdiction that States have in their exclusive economic zones and continental shelves,

and the exercise by vessels and aircraft of all States of navigational rights and freedoms, as provided for in international law and as reflected in the 1982 United Nations Convention on the Law of the Sea and other relevant international instruments.

5. Nothing in this Convention shall affect in any way the rights and obligations of any Party under international law including under other international agreements in force. Such agreements include the London Convention as amended; the 1982 United Nations Convention on the Law of the Sea, including in particular Articles 31, 210 and 236 thereof; the South Pacific Nuclear Free Zone Treaty, 1985, including in particular Article 7 thereof; and the International Convention for the Prevention of Pollution from Ships, 1973.

Area of Coverage

6. A Party may add areas under its jurisdiction within the Pacific Ocean between the Tropic of Cancer and 60 degrees South latitude and between 130 degrees East longitude and 120 degrees West longitude to the Convention Area. Such addition shall be notified to the Depository who shall promptly notify the other Parties and the Secretariat. Such areas shall be incorporated within the Convention Area ninety days after notification to the Parties by the Depository, provided there has been no objection to the proposal to add new areas by any Party. If there is any such objection the Parties concerned will consult with a view to resolving the matter.

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 wastes, other than those listed in Annex I of this Convention, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes.

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

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

4. Parties shall be responsible for making the information transmitted to them by the Secretariat under paragraph 3 of this Article available to their exporters, importers and other appropriate bodies.

Article 4 GENERAL OBLIGATIONS

1. Hazardous Wastes and Radioactive Wastes Import and Export Ban

(a) Each Pacific Island Developing Party shall take appropriate legal, administrative and other measures within the area under its jurisdiction to ban the import of all hazardous wastes and radioactive wastes from outside the Convention Area. Such import shall be deemed an illegal and criminal act; and

(b) Each Other Party shall take appropriate legal, administrative and other measures within the area under its jurisdiction to ban the export of all hazardous wastes and radioactive wastes to all Forum Island Countries, or to territories located in the Convention Area with the exception of those that have the status of Other Parties in accordance with Annex IV. Such export shall be deemed an illegal and criminal act.

2. To facilitate compliance with paragraph 1 of this Article, all Parties:

(a) Shall forward in a timely manner all information relating to illegal hazardous wastes and radioactive wastes import activity within the area under its jurisdiction to the Secretariat who shall distribute the information as soon as possible to all Parties; and

(b) Shall cooperate to ensure that no illegal import of hazardous wastes and radioactive wastes from a non-Party enters areas under the jurisdiction of a Party to this Convention.

3. Ban on Dumping of Hazardous Wastes and Radioactive Wastes at Sea

(a) Each Party which is a Party to the London Convention, the South Pacific Nuclear Free Zone Treaty,

1985, the 1982 United Nations Convention on the Law of the Sea or the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986, reaffirms the commitments under those instruments which require it to prohibit dumping of hazardous wastes and radioactive wastes at sea; and

(b) Each Party which is not a Party either to the London Convention or the Protocol for the Prevention of Pollution of the South Pacific Region by Dumping, 1986, should consider becoming a Party to both of those instruments.

4. Wastes Located in the Convention Area

Each Party shall:

(a) Ensure that within the area under its jurisdiction, the generation of hazardous wastes is reduced at its source to a minimum taking into account social, technological and economic needs;

(b) Take appropriate legal, administrative and other measures to ensure that within the area under its jurisdiction, all transboundary movements of hazardous wastes generated within the Convention Area are carried out in accordance with the provisions of this Convention;

(c) Ensure the availability of adequate treatment and disposal facilities for the environmentally sound management of hazardous wastes, which shall be located, to the extent practicable, within areas under its jurisdiction, taking into account social, technological and economic considerations. However, where Parties are for geographic, social or economic reasons unable to dispose safely of hazardous wastes within those areas, cooperation should take place as provided for under Article 10 of this Convention;

(d) In cooperation with SPREP, participate in the development of programmes to manage and simplify the transboundary movement of hazardous wastes which cannot be disposed of in an environmentally sound manner in the countries in which they are located. Provided that such programmes do not derogate from the environmentally sound management of hazardous wastes as required by this Convention, they may be registered as arrangements under Article 11 of this Convention;

(e) Develop a national hazardous wastes management strategy which is compatible with the SPREP South Pacific Regional Pollution Prevention, Waste Minimization and Management Programme;

(f) Submit to the Secretariat such reports as the Conference of the Parties may require regarding the hazardous wastes generated in the area under its jurisdiction in order to enable the Secretariat to produce a regular hazardous wastes report;

(g) Subject to Article 11 of this Convention, prohibit within the area under its jurisdiction hazardous wastes from being exported to or imported from non-Parties within the Convention Area; and

(h) Take appropriate legal, administrative and other measures to prohibit vessels flying its flag or aircraft registered in its territory from carrying out activities in contravention of this Convention.

5. Radioactive Wastes

(a) Parties shall give active consideration to the implementation of the IAEA Code of Practice on the International Transboundary Movement of Radioactive Wastes and such other international and national standards which are at least as stringent; and

(b) Subject to available resources, Parties shall actively participate in the development of the Convention on the Safe Management of Nuclear Waste.

6. Domestically Prohibited Goods:

(a) Subject to available resources, Parties shall endeavour to participate in relevant international fora to find an appropriate global solution to the problems associated with the international trade of domestically prohibited goods; and

(b) Nothing in this Convention shall be interpreted as limiting the sovereign right of Parties to act

individually or collectively, consistent with their international obligations, to ban the importation of domestically prohibited goods into areas under their jurisdiction.

Article 5 COMPETENT AUTHORITIES AND FOCAL POINTS

1. To facilitate the implementation of this Convention, each Party shall designate or establish one competent authority and one focal point. A Party need not designate or establish new or separate authorities to perform the functions of the competent authority and the focal point.
2. The competent authority shall be responsible for the implementation of notification procedures for transboundary movement of hazardous wastes in accordance with the provisions of Article 6 of this Convention.
3. The focal point shall be responsible for transmitting and receiving information in accordance with the provisions of Article 7 of this Convention.
4. The Parties shall inform the Secretariat, within three months of the date of the entry into force of this Convention for them, which authorities they have designated or established as the competent authority and the focal point.

Article 6 NOTIFICATION PROCEDURES FOR TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES BETWEEN PARTIES

1. The exporting Party shall notify, or shall require the generator or exporter to notify, in writing, through its competent authority, the competent authority of the countries concerned of any proposed transboundary movement of hazardous wastes. Such notification shall contain the declarations and information specified in Annex VI A of this Convention, written in a language acceptable to the importing Party. Only one notification needs to be sent to each country concerned.
2. The importing Party shall acknowledge within reasonable time, which in the case of Other Parties shall not exceed fourteen working days, the receipt of the notification referred to in paragraph 1 of this Article. The importing Party shall have sixty days after issuing the acknowledgement to inform the notifier that it is consenting to the movement, with or without conditions, denying permission for the movement or requesting additional information. In the event that additional information has been sought, a new period of twenty one days recommences from the time of receipt of the additional information.
3. The exporting Party shall not allow the transboundary movement until it has received:
 - (a) Written consent of the importing Party;
 - (b) Written consent from every transit Party;
 - (c) Written consent of every non-Party country of transit;
 - (d) Written confirmation from the importing Party of the existence of a contract between the exporter and the disposer specifying the environmentally sound management of the wastes in question; and
 - (e) Written confirmation from the exporter of the existence of adequate insurance, bond or other guarantee satisfactory to the exporting Party.
4. Each transit Party shall acknowledge within reasonable time, which in the case of Other Parties shall not exceed fourteen working days, the receipt of the notification referred to in paragraph 1 of this Article. Each transit Party shall have sixty days after issuing the acknowledgement to inform the notifier that it is consenting to the movement, with or without conditions, denying permission for the movement or requesting additional information. In the event that additional information has been sought, a new period of twenty one days recommences from the time of receipt of the additional information.
5. In the case of a transboundary movement of hazardous wastes, where the wastes are legally defined as or are considered to be hazardous wastes only:

(a) By the exporting Party, the requirement at paragraph 10 of this Article, that any transboundary movement shall be covered by insurance, bond or other guarantee shall be as required by the exporting Party; or

(b) By the importing Party, or the transit Party, the requirements of paragraphs 1, 3, 4, and 6 of this Article that apply to the exporter and exporting Party, shall apply *mutatis mutandis* to the importer or disposer and importing Party, respectively; or

(c) By any transit Party, the provisions of paragraph 4 of this Article shall apply to such Party.

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

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

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

9. Each transboundary movement of hazardous wastes shall be accompanied by a movement document which includes the information listed in Annex VI B. The Parties to this Convention shall require that each person who takes charge of a transboundary movement of hazardous wastes sign the movement document either upon delivery or receipt of the wastes in question. They shall also require the disposer to inform both the exporter and the competent authority of the exporting Party 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 by the exporting Party, the competent authority of the exporting Party or the exporter shall so notify the importing Party.

10. Any transboundary movement of hazardous wastes shall be covered by insurance, bond or other guarantee as may be required or agreed to by the importing Party or any transit Party.

Article 7 TRANSMISSION OF INFORMATION

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

2. The Parties shall inform one another, through the Secretariat, of:

(a) Changes regarding the designation of competent authorities and/or focal points, pursuant to Article 5 of this Convention; and

(b) Changes in their national definition of hazardous wastes, pursuant to Article 3 of this Convention.

3. The Parties, consistent with national laws and regulations, shall set up information collection and dissemination mechanisms on hazardous wastes to enable the Secretariat to fulfil the functions listed in Article 14.

Article 8 DUTY TO RE-IMPORT

1. The exporting Party shall adopt appropriate administrative and legal measures to ensure that when an authorised transboundary movement of hazardous wastes cannot be completed in accordance with the terms of the contract or of this Convention, the wastes in question are returned to it by the exporter. To this end, the importing Party and the transit Party or Parties shall not oppose, hinder or prevent the return of those wastes to

the exporting Party.

2. Notwithstanding the provisions of paragraph 1 of this Article, where an authorised transboundary movement of hazardous wastes cannot be completed within the terms of the contract or the terms of this Convention, the exporting Party need not re-import those wastes provided that alternative arrangements are made for the disposal of the wastes in a manner which is compatible with the environmentally sound management of hazardous wastes as required by this Convention and other international legal obligations. Such disposal shall take place within ninety days from the time that the importing Party informed the exporting Party and the Secretariat, or such other period of time as the Parties concerned agree.

Article 9 ILLEGAL TRAFFIC

1. For the purpose of this Convention, any transboundary movement of hazardous wastes shall be deemed to be illegal traffic if:

- (a) Carried out without notification, pursuant to the provisions of this Convention, to all countries concerned;
- (b) Carried out without the consent, pursuant to the provisions of this Convention, of a country concerned;
- (c) Consent is obtained from countries concerned through falsification, misrepresentation or fraud;
- (d) The contents do not conform in a material way with the supporting documentation;
- (e) It results in deliberate disposal of hazardous wastes in contravention of this Convention, other relevant international instruments and of general principles of international law; or
- (f) It is in contravention of the import or export bans established by Article 4.1.

2. Each Party shall introduce or adopt appropriate national legislation to prevent and punish illegal traffic. The Parties shall cooperate with a view to achieving the objects of this Article.

3. (a) In the case of a transboundary movement of hazardous wastes deemed to be illegal traffic as the result of conduct on the part of the exporter or generator, the exporting Party shall ensure that, within thirty days from the time the exporting Party has been informed about the illegal traffic or such other period of time the countries concerned may agree, the wastes in question are either:

- (i) taken back by the exporter or generator or if necessary by itself into the exporting Party; or, if impracticable,
- (ii) otherwise disposed of in accordance with the provisions of this Convention;

(b) In the case of paragraph 3(a)(i) of this Article, the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the exporting Party.

4. In the case of a transboundary movement of hazardous wastes deemed to be illegal traffic as a result of conduct on the part of the importer or disposer, the importing Party 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 thirty days from the time the illegal traffic has come to the attention of the importing Party or such time as the countries concerned may agree. To this end, the importing Party and the exporting Party shall cooperate, as necessary, in the disposal of the wastes in an environmentally sound manner.

5. 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 any other Parties, as appropriate, shall ensure through cooperation that the wastes in question are disposed of as soon as possible in an environmentally sound manner either in the exporting Party or the importing Party or elsewhere as appropriate.

6. The Secretariat shall undertake the necessary coordination with the Secretariat of the Basel Convention in relation to the effective prevention and monitoring of illegal traffic in hazardous wastes. Such coordination shall include:

- (a) Exchanging information on incidents or alleged incidents of illegal traffic in the Convention Area and on the appropriate steps to remedy such incidents; and
- (b) Providing assistance in the field of capacity building including development of national legislation and of appropriate infrastructure in the Pacific Island Developing Parties with a view to the prevention and penalisation of illegal traffic of hazardous wastes.

Article 10 COOPERATION AMONG PARTIES AND INTERNATIONAL COOPERATION

1. The Parties to this Convention shall cooperate with one another, non-Parties and relevant regional and international organisations, to facilitate the availability of adequate treatment and disposal facilities and to improve and achieve the environmentally sound management of hazardous wastes. Such facilities shall be located within the Convention Area to the extent practicable taking into account social, technological and economic considerations.

2. To this end, the Parties shall:

- (a) Upon request, make information available, whether on a bilateral or regional basis, with a view to promoting the environmentally sound management of hazardous wastes, including harmonisation of relevant technical standards and practices;
- (b) Cooperate in monitoring the effects of hazardous wastes and their management on human health and the environment;
- (c) Cooperate, subject to their national laws and policies, in the development and implementation of new environmentally sound and cleaner production technologies and the improvement of existing technologies. Such cooperation shall be with a view to eliminating, as far as practicable, the generation of hazardous wastes and achieving more effective and efficient methods of ensuring their management in an environmentally sound manner, including the study of the economic, social and environmental impacts of the adoption of such new and improved technologies;
- (d) Cooperate, subject to their national laws and policies, actively in the transfer of technology and management systems related to the environmentally sound management of hazardous wastes. They shall also cooperate in developing the technical capacity and infrastructure of Parties, especially those which may need and request technical assistance in this field; and
- (e) Cooperate in developing appropriate technical guidelines and/or codes of practice.

3. The Secretariat shall encourage Other Parties and other concerned developed countries to take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to Pacific Island Developing Parties, to enable them to implement the provisions of this Convention. Other Parties undertake to cooperate with the Secretariat in this regard.

4. Taking into account the needs of developing countries, Parties shall encourage cooperation with international organisations in order to promote, among other things, public awareness, the development of rational management of hazardous wastes, and the adoption of new technologies which are environmentally sound, including cleaner production technologies.

Article 11 BILATERAL, REGIONAL OR MULTILATERAL AGREEMENTS OR ARRANGEMENTS

1. Notwithstanding the provisions of Article 4.4(g), Parties to this Convention may enter into bilateral, regional or multilateral agreements or arrangements with non-Parties regarding the transboundary movement and management of hazardous wastes provided that such agreements or arrangements do not derogate from the provisions of Article 4.1 or from the environmentally sound management of such wastes as required by this Convention.

2. The Parties shall notify the Secretariat of any bilateral, regional or multilateral agreements or arrangements referred to in paragraph 1 of this Article and those which they have entered into prior to the entry

into force of this Convention for them, for the purpose of controlling transboundary movements of hazardous wastes which take place entirely among the parties to such agreements or arrangements.

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

Article 12 LIABILITIES AND COMPENSATION

The Conference of the Parties shall consider the preparation and adoption of appropriate arrangements in the field of liability and compensation arising from transboundary movements of hazardous wastes in the Convention Area without prejudice to the application and further development of relevant rules of international law.

Article 13 CONFERENCE OF THE PARTIES

1. A Conference of the Parties to this Convention is hereby established. The first meeting of the Conference of the Parties shall be convened 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. The quorum for meetings of the Conference of the Parties shall be two-thirds of the Parties.

2. The Conference of the Parties shall adopt by consensus at its first ordinary meeting, or as soon as practicable thereafter, Rules of Procedure. It shall also adopt by consensus financial rules, including the scale of contributions of the Parties to this Convention to the regular budget.

3. The first meeting of the Conference of the Parties shall consider the adoption of any additional measures in accordance with the Precautionary principle relating to the implementation of this Convention.

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

- (a) Promote the harmonisation, at high levels of protection, of appropriate legislation, policies, strategies and measures for minimising harm to human health and the environment;
- (b) Consider and adopt, where necessary, amendments to this Convention, and its annexes, taking into consideration, *inter alia*, available scientific, technical, economic and environmental information;
- (c) Examine and approve the regular budget prepared by the Secretariat in accordance with Article 14;
- (d) Consider and undertake any additional action that may be necessary for the achievement of the purposes of this Convention in the light of experience gained in the operation of the Convention and developments elsewhere;
- (e) Consider and adopt protocols as necessary;
- (f) Establish and/or designate such subsidiary bodies or agencies as are deemed necessary for the implementation of this Convention; and
- (g) Determine and adopt appropriate rules and procedures for the acceptance of new Parties to this Convention in accordance with Article 23 and Annexes III and IV.

5. Any State which is eligible to become a Party to this Convention may be represented as an observer at meetings of the Conference of the Parties. Any other State or any body or agency, whether national, regional or international, governmental or non-governmental, with an interest in the subject matter of this Convention 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 14 SECRETARIAT

1. A Secretariat for this Convention is hereby established. The functions of the Secretariat shall be to:
 - (a) Arrange and service meetings of the Parties to this Convention;
 - (b) Prepare the regular budget of the Conference of the Parties, as required by this Convention;
 - (c) Prepare and transmit reports based upon information received in accordance with Articles 3, 4, 7, and 11 of this Convention;
 - (d) Prepare and transmit information derived from meetings of subsidiary bodies and agencies established under Article 13 of this Convention or provided by relevant intergovernmental and Non-Governmental entities;
 - (e) Ensure coordination with the Secretariat of the Basel Convention and other relevant international and regional bodies, and in particular to enter into such administrative arrangements as may be required for the effective discharge of its functions;
 - (f) Communicate with the competent authorities and focal points established by the Parties in accordance with Article 5 of this Convention as well as appropriate intergovernmental and Non-Governmental Organisations which may provide financial and/or technical assistance in the implementation of this Convention;
 - (g) Compile information concerning approved sites and facilities available for the disposal of hazardous wastes and means of transport to these sites and facilities and to circulate this information;
 - (h) Receive and convey on request to Parties information on available sources of technical and scientific expertise;
 - (i) Receive and convey on request to Parties information on consultants or consulting firms having the necessary technical competence in the field which can assist them with examining a notification for a transboundary movement of hazardous wastes, the concurrence of a shipment of hazardous wastes with the relevant notification, and/or whether the proposed disposal facilities for hazardous wastes are environmentally sound, when they have reason to believe that the wastes in question will not be managed in an environmentally sound manner;
 - (j) Assist Parties to this Convention in their identification of cases of illegal traffic and to circulate immediately to the Parties concerned any information it has received regarding illegal traffic, and to undertake the necessary coordination with the Secretariat of the Basel Convention as provided for in Article 9.6;
 - (k) To cooperate with countries concerned and with relevant and competent international organisations and agencies in the provision of experts and equipment for the purpose of rapid assistance in the event of an emergency situation in the Convention Area;
 - (l) To report the information prescribed in paragraph 2 of this Article, to the Parties to this Convention, before the end of each calendar year; and
 - (m) 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 shall transmit to the Parties, before the end of each calendar year, a report taking into account material provided by Parties under Articles 4.4(f) and 7.3 on the previous calendar year, containing the following:
 - (a) Information regarding transboundary movement of hazardous wastes in which Parties have been involved, including:
 - (i) the quantity of hazardous wastes exported, their category, characteristics, destination, any transit country and disposal method as stated in the notification;

(ii) the amount of hazardous wastes imported, their category, characteristics, origin, and disposal methods;

(iii) disposals which did not proceed as intended; and

(iv) efforts to achieve a reduction of the amount of hazardous wastes subject to transboundary movement.

(b) Information on measures adopted by Parties in the implementation of this Convention;

(c) Information where it is available on the effects on human health and the environment from the generation, transportation and disposal of hazardous wastes in the Convention Area. The information may take the form of statistical data;

(d) Information on accidents occurring during transboundary movements, treatment and disposal of hazardous wastes and on measures undertaken to deal with them;

(e) Information on environmentally sound treatment and disposal options operated by Parties; and

(f) Information on measures undertaken by Parties for the development of cleaner production technologies for the reduction and/or elimination of the production of hazardous wastes.

3. The Secretariat's functions shall be carried out by SPREP.

Article 15 REVOLVING FUND

The Conference of the Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimise damage from disasters or accidents arising from transboundary movement or disposal of hazardous wastes within the Convention Area.

Article 16 AMENDMENTS TO THIS CONVENTION

1. Any Party may propose amendments to this Convention.

2. Amendments to this Convention may be adopted only at a meeting of the Conference of the Parties at which at least two-thirds of the Parties are represented. The text of any proposed amendment to this 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 this Convention and to the Depositary for their information.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall, as a last resort, be adopted by a two-thirds majority vote of Parties present and voting, each Party having one vote, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance.

4. Instruments of ratification, acceptance or approval of amendments shall be deposited with the Depositary. Amendments shall enter into force between Parties having accepted such amendments on the ninetieth day following the date of receipt by the Depositary of the instruments of at least three-fourths of the Parties to this Convention. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument.

5. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 17 PROTOCOLS TO THIS CONVENTION

1. The Conference of the Parties may, at any ordinary meeting, adopt protocols to this Convention.

2. The text of any proposed protocol shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption.
3. The procedure specified in Article 16.3 shall apply to the adoption of, and any amendments to, any protocol.
4. The requirements for the entry into force of any protocol or subsequent amendments to such protocol shall be established by that protocol.
5. Decisions under any protocol shall be taken only by the Parties to that protocol.

Article 18 ADOPTION AND AMENDMENT OF ANNEXES

1. The annexes to this Convention shall form an integral part of this Convention and, unless expressly provided otherwise, a reference to this Convention constitutes, at the same time a reference to any annexes thereto. Such annexes shall be restricted to scientific, technical and administrative matters.
2. The following procedures shall apply to the proposal, adoption and entry into force of additional annexes, or amendments to annexes, to this Convention:
 - (a) Such additional annexes or amendments to annexes shall be proposed and adopted according to the procedure laid down in Articles 16.1, 16.2 and 16.3 of this Convention;
 - (b) Any Party that is unable to accept such additional annexes or amendments to annexes, 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 or amendments to annexes shall thereupon enter into force for that Party; and
 - (c) Upon the expiration of six months from the date of the circulation of the communication by the Depositary, the annexes or amendments to annexes shall enter into force for all Parties to this Convention, which have not submitted a notification in accordance with the provisions of sub-paragraph (b) above.
3. 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

1. 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.
2. The Conference of the Parties shall consider the adoption of a protocol dealing with detailed procedures and arrangements for the verification of alleged breaches of obligations under this Convention.

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, the Parties concerned shall seek a settlement of the dispute through negotiation, mediation or any other peaceful means of their own choice.
2. If the Parties concerned cannot settle their dispute through the means mentioned in paragraph 1 of this Article, the dispute, if the Parties to the dispute agree, shall be submitted to arbitration under the conditions set out in Annex VII of this Convention or to the International Court of Justice. However, failure to reach common agreement on submission of the dispute to arbitration or to the International Court of Justice 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 or acceding to this Convention, or at any time thereafter, a Party may declare that it recognises as compulsory *ipso facto* and without special agreement, in relation to any Party accepting the same obligation:

- (a) Arbitration in accordance with the procedures set out in Annex VII; and/or
- (b) Submission of the dispute to the International Court of Justice.

Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

Article 21 SIGNATURE

1. This Convention shall be open for signature by the Members of the South Pacific Forum at Waigani, Papua New Guinea, on 16 September 1995.

2. This Convention shall remain open for signature by the Members of the South Pacific Forum from 22 September 1995 until 21 March 1996 at the South Pacific Forum Secretariat, Suva.

Article 22 RATIFICATION, ACCEPTANCE OR APPROVAL

This Convention shall be subject to ratification, acceptance or approval by Members of the South Pacific Forum. Instruments of ratification, acceptance or approval shall be deposited with the Depositary.

Article 23 ACCESSION

1. This Convention shall be open for accession by Members of the South Pacific Forum 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. Other States not members of the South Pacific Forum which have territories in the Convention Area may accede to the Convention. In addition, other States which do not have territories in the Convention Area may also accede to the Convention pursuant to a decision of the Conference of the Parties under Article 13.4(g).

Article 24 ENTRY INTO FORCE

This Convention shall enter into force thirty days from the date of deposit of the tenth instrument of ratification, acceptance, approval or accession and thereafter for each State thirty days after the deposit of its instrument of ratification, acceptance, approval or accession.

Article 25 RESERVATIONS AND DECLARATIONS

1. No reservations or exceptions shall be made to this Convention.

2. Paragraph 1 of this Article does not preclude a signatory or Party when signing, ratifying or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, *inter alia*, to the harmonisation 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 effect of the provisions of this Convention in their application to that Party.

Article 26 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 by giving written notification to the Depositary.

2. Withdrawal shall be effective one year after receipt of notification by the Depositary, or on such later date

as may be specified in the notification.

3. Withdrawal shall not exempt any withdrawing Party from fulfilling any obligations it might have incurred under this Convention, whilst a Party to this Convention.

Article 27 **DEPOSITARY**

The Secretary General of the South Pacific Forum Secretariat shall be the Depositary of this Convention and of any protocols thereto.

Article 28 **REGISTRATION**

This Convention, as soon as it enters into force, shall be registered by the Depositary with the Secretary-General of the United Nations in conformity 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 Waigani, Papua New Guinea, on the sixteenth day of September in the year one thousand nine hundred and ninety five, in a single original in the English language.

ANNEX I
CATEGORIES OF WASTES WHICH ARE HAZARDOUS WASTES

Wastes Streams:

- Y1 : Clinical wastes from medical care in hospitals, medical centres and clinics.
- Y2 : Wastes from the production and preparation of pharmaceutical products.
- Y3 : Waste pharmaceuticals, drugs and medicines.
- Y4 : Wastes from the production, formulation and use of biocides and phytopharmaceuticals.
- Y5 : Wastes from the manufacture, formulation and use of wood preserving chemicals.
- Y6 : Wastes from the production, formulation and use of organic solvents.
- Y7 : Wastes from heat treatment and tempering operations containing cyanides.
- Y8 : Waste mineral oils unfit for their originally intended use.
- 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, plasticisers, glues/adhesives.
- Y14 : Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on human health and/or the environment are not known.

- Y15 : Wastes of an explosive nature not subject to other legislation.
- Y16 : Wastes from production, formulation and use of photographic chemicals and processing materials.
- Y17 : Wastes resulting from surface treatment of metals and plastics.
- Y18 : Residues arising from industrial waste disposal operations.
- Y46 : Wastes collected from households, including sewage and sewage sludges with the exception of clean sorted recyclable wastes which do not possess any of the hazardous characteristics defined in Annex II.
- Y47 : Residues arising from the incineration of household wastes.

Wastes having as constituents:

- Y19 : Metal carbonyls.
- Y20 : Beryllium; beryllium compounds.
- Y21 : Hexavalent chromium compounds.
- Y22 : Copper compounds.
- Y23 : Zinc compounds.
- Y24 : Arsenic; arsenic compounds.
- Y25 : Selenium; selenium compounds.
- Y26 : Cadmium; cadmium compounds.
- Y27 : Antimony; antimony compounds.
- Y28 : Tellurium; tellurium compounds.
- Y29 : Mercury; mercury compounds.
- Y30 : Thallium; thallium compounds.
- Y31 : Lead; lead compounds.
- Y32 : Inorganic fluorine compounds excluding calcium fluoride.
- Y33 : Inorganic cyanides.
- Y34 : Acidic solutions or acids in solid form.
- Y35 : Basic solutions or bases in solid form.
- Y36 : Asbestos (dust and fibres).
- Y37 : Organic phosphorus compounds.
- Y38 : Organic cyanides.
- Y39 : Phenols; phenol compounds including chlorophenols.

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

ANNEX II
LIST OF HAZARDOUS CHARACTERISTICS

<u>UN CLASS*</u>	<u>CODE</u>	<u>CHARACTERISTICS</u>
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 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 degrees C, closed-cup test, or not more than 65.6 degrees 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.
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.
5.1	H5.1	Oxidizing Substances or wastes which, while in themselves not necessarily combustible, may, generally by yielding oxygen cause, or contribute to, the combustion of other materials.
5.2	H5.2	Organic peroxides

Organic substances or wastes which contain the bivalent-O - O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.

6.1	H6.1	<p>Poisonous (Acute)</p> <p>Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.</p>
6.2	H6.2	<p>Infectious substances</p> <p>Substances or wastes containing viable microorganisms or their toxins which are known or suspected to cause disease in animals or humans.</p>
8	H8	<p>Corrosives</p> <p>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.</p>
9	H10	<p>Liberation of toxic gases in contact with air or water</p> <p>Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.</p>
9	H11	<p>Toxic (Delayed or chronic)</p> <p>Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.</p>
9	H12	<p>Ecotoxic</p> <p>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.</p>
9	H13	<p>Capable, by any means, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above.</p>

Tests

The potential hazards posed by certain types of wastes are not yet fully documented; tests to define quantitatively these hazards do not exist. Further research is necessary in order to develop means to characterise potential hazards posed to human health and the environment by these wastes. Standardised tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

ANNEX III PACIFIC ISLAND DEVELOPING PARTIES

1. The following Members of the South Pacific Forum, on becoming party to this Convention, shall be considered to be Pacific Island Developing Parties for the purposes of the Convention:

- Cook Islands
- Federated States of Micronesia
- Fiji
- Kiribati
- Republic of Marshall Islands

- Nauru
 - Niue
 - Republic of Palau
 - Papua New Guinea
 - Solomon Islands
 - Tonga
 - Tuvalu
 - Vanuatu
 - Western Samoa.
2. The Conference of the Parties may, in accordance with Article 13.4(g), and upon agreement with such prospective party, accept the status of any new Party to this Convention as a Pacific Island Developing Party.

ANNEX IV OTHER PARTIES

1. The following Members of the South Pacific Forum, on becoming party to this Convention, shall be considered to be Other Parties for the purposes of the Convention:
- Australia
 - New Zealand.
2. (a) The Conference of the Parties may, in accordance with Article 13.4(g), and upon agreement with such prospective party, accept the status of any new Party to this Convention as an Other Party; and
- (b) An Other Party may designate a territory located within the Convention Area to which, upon agreement by the Conference of the Parties, the provisions of Article 4.1 of this Convention shall be applied *mutatis mutandis* in the same manner as they apply to a Pacific Island Developing Party.

ANNEX V 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 and 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 VI A
INFORMATION TO BE PROVIDED ON NOTIFICATION**

- 1. Reason for wastes export.
- 2. Exporter of the wastes. 1/
- 3. Generator(s) of the wastes and site of generation. 1/
- 4. Importer and disposer of the wastes and actual site of disposal. 1/
- 5. Intended carrier(s) of the wastes or their agents, if known. 1/
- 6. Country of export of the wastes.
Competent authority. 2/

7. Expected countries of transit.
Competent authority. 2/
8. Country of import of the wastes.
Competent authority. 2/
9. General or single notification.
10. Projected date(s) of shipment(s) and period of time over which wastes are 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 wastes including Y number and UN number and its composition 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 wastes are generated. 7/
17. For wastes listed in Annex I, classifications from Annex II: hazardous characteristic, H number, and UN class.
18. Method of disposal as per Annex V.
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 wastes upon which the latter has based their 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 the disposer.

NOTES:

- 1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex, or telefax number of the person to be contacted.
- 2/ Full name and address, telephone, telex or telefax number.
- 3/ In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.
- 4/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.
- 5/ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the wastes 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 operations.

**ANNEX VI B
INFORMATION TO BE PROVIDED ON
THE MOVEMENT DOCUMENT**

1. Exporter of the wastes. 1/
2. Generator(s) of the wastes and site of generation. 1/
3. Disposer of the wastes and actual site of disposal. 1/
4. Carrier(s) of the wastes 1/ or their 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 wastes.
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 wastes (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 provisions 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 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 into one document with that required under transport rules. Where this is not possible, the information should complement rather than duplicate that required under the transport rules. The movement document shall carry 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 VII
ARBITRATION**

Article 1

Unless the agreement referred to in Article 20 of this 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 Articles 20.2 or 20.3 of this Convention and include, in particular, the articles of this Convention, the interpretation or application of which, are at issue. The Secretariat shall forward the information thus received to all Parties to this 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 president of the arbitral tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have their usual place of residence in the territory of one of the Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the president of the arbitral tribunal has not been designated within two months of the appointment

of the second arbitrator, the Secretary General of the Forum Secretariat in consultation with the Director of SPREP shall, at the request of either Party, designate that person 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 Forum Secretariat who shall, in consultation with the Director of SPREP, designate the president of the arbitral tribunal within a further two months period. Upon designation, the president of the arbitral tribunal shall request the Party which has not appointed an arbitrator to do so within two months. After such period, the president shall inform the Secretary General of the Forum Secretariat who shall make this appointment within a further two months period, in consultation with the Director of SPREP.

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 established under the provisions of this Annex shall decide 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 arbitral tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a Party in the dispute shall not constitute an impediment to the proceedings.

Article 7

The arbitral 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 arbitral tribunal, including the remuneration of its members, shall be borne by the Parties to the dispute in equal shares. The arbitral 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, can intervene in the proceedings with the consent of the arbitral tribunal.

Article 10

1. The arbitral tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

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.

**GENERAL INTERNATIONAL AGREEMENTS
AND INSTRUMENTS**

VIENNA CONVENTION ON THE LAW OF TREATIES

Signed at Vienna 23 May 1969
Entered 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 initialing 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 initialing 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 50 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 XIV.

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 connection with the conclusion of the treaty;
 - (b) any instrument which was made by one or more parties in connection 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

1. 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 62 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 initialed 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.

**DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW
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 States¹, 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,

I. 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.

¹ *Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 18 (A/8018)*

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Web for BARBADOS:
[gopher://gopher.undp.org:70/00unconfs/sids
/conference/official/eng/940508130344](mailto:gopher://gopher.undp.org:70/00unconfs/sids/conference/official/eng/940508130344)

Web for UNCED:
[gopher://infoserver.ciesin.org:70/11/human/
domains/political-policy/intl/conf/UNCED](mailto:gopher://infoserver.ciesin.org:70/11/human/domains/political-policy/intl/conf/UNCED)

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Web: <http://www.who.ch>

World Trade Organization

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Fax (41-22) 739 6458
email: enquiries@wto.org
Web: <http://www.wto.org>
Web for TRIPS Agreement:
http://itl.irv.uit.no/trade_law/documents/freetrade/wta-94/art/iaa1c.html
<http://www.iatp.org/trips99>

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web: <http://www.unep.ch/ozone/welcome.htm/>

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Fax (1-514) 288 6588
email: biobiv@mtl.net
Web: <http://www.biodiv.org>
Web: <http://sedac.ciesin.org/pidb-home.html>

UNEP/Conservation of Migratory Species Secretariat

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Web: <http://www.imo.org>
Web for Caribbean: <http://www.curbiz.com/>
Web for London Dumping Protocol 1996:
<http://www.tufts.edu/departments/fletcher/multi/>

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