

FOREST AND RANGE RESOURCES ACT, 2025

No. 25



of 2025

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SCHEDULE

An Act to provide for the establishment of the Department of Forestry and Range Resources, the institutional and regulatory framework for sustainable management of forest and range resources, and to provide for matters incidental or connected therewith.

Date of Assent: 05.11.2025

Date of Commencement: ON NOTICE

ENACTED by the Parliament of Botswana.

PART I — *Preliminary*

Short title and commencement	1. This Act may be cited as the Forest and Range Resources Act, 2025, and shall come into operation on such date as the Minister may, by Order published in the <i>Gazette</i>, appoint.
Interpretation	2. In this Act, unless the context otherwise requires — “approved plan” means an operating plan, including amendments to that plan that — (a) is prepared with respect to forest management agreement, a permit or a forest product permit; and (b) is approved under this Act; “authorised officer” means an officer appointed as such by the Minister under section 15 (1); “community intellectual property rights” means rights over the knowledge held by a local community in respect of forest resources, including biodiversity; “Competent Authority” means for purposes of this Act, the Department of Forestry and Range Resources referred to in section 6 (2); “Department” means the Department of Forestry and Range Resources established under section 5 (1); “Director” means the Director of the Department of Forestry and Range Resources appointed under section 5 (2); “ecosystem” includes a dynamic complex of flora and fauna, including micro-organisms and their non-living environment interacting as a functional unit; “endangered species” means any species of flora which is in danger of extinction in the context of the Convention on International Trade in Endangered Species of Wild Fauna and Flora; “firebreak” means a strip of land cleared of inflammable matter to prevent the spread of fire; “forest” means an area of land predominantly covered with trees that are planted or occur naturally; “forest land” means any land designated for forest use; “forest management” means the process of planning and implementing practices for the stewardship and use of forest and wooded land, aimed at achieving specific environmental, economic, social or cultural objectives; “forest management area” means an area designated for planning and implementing practices for stewardship and use of forest land aimed at achieving specific environmental, economic, social or cultural objectives where the management of a forest is carried out in accordance with a plan over a period of at least five years;

- “forest management lease agreement” means an agreement entered into under this Act;
- “forest produce” means resources produced from or originating from any wild plants found in open grasslands or sparsely wooded areas, and includes wild forbs, herbs, grasses, wood, leaves, roots, seeds, dyes, essential oils, florist materials and ornamental plants;
- “forest products” means any vegetation on or from forest land or waters on or associated with forest land, whether alive, dead or cut, and includes non-wood forest product, non-timber forest product, trees, shrubs, grasses, mosses, fungi and any parts or components of such vegetation;
- “forest reserve” means any area declared as protected forest under this Act;
- “forest resources” means all resources and values associated with forest ecosystems, whether biotic, abiotic, social or economic;
- “genetic material” means material constituting the physical basis of inheritance, including seeds, cuttings and tissue cultures;
- “harvest” means to cut, pick, gather, collect, accumulate, alter, or remove forest products by any means, including the grazing of livestock;
- “integrated forest land use plan” means a plan prepared under this Act;
- “invasive plant species” means a plant species that is non-native to the ecosystem under consideration and whose introduction establishes, spreads and causes damage to biodiversity;
- “*Kgosi*” has the same meaning assigned to it under the Bogosi Act; Cap. 41:01
- “land authority” means a land board or a Department responsible for land management;
- “land board” has the same meaning assigned to it under the Tribal Land Act; Cap. 32:02
- “livestock” means animals of the genus bos, horses, mules, asses, sheep, goats, pig and any prescribed animals, but does not include wildlife under the Wildlife Conservation and National Parks Act, exotic game animals or poultry; Cap. 38:01
- “legal practitioner” has the same meaning assigned to it under the Legal Practitioners Act; Cap. 61:01
- “local authority” means a city, town or district council;
- “manufacturing” means any step taken to prepare a forest product for market, and includes the sawing, peeling, chipping, debarking, preserving, cleaning, drying, extracting and packing of forest products, but excludes harvesting;

- “*Moemela Kgosi*” has the meaning assigned to it under the Bogosi Act;
- “natural resource” means all natural resources derived from forests and rangelands naturally occurring or any other product excluding minerals as may be declared by the Minister in the *Gazette*;
- “non-timber forest product” means any useful substances, materials or commodities obtained from forests that do not require harvesting or logging of trees, and includes nuts, berries, mushrooms, oils, sap, foliage, pollards, medicinal plants, fuel wood and forage;
- “non-wood forest product” means goods of biological origin other than wood derived from plants;
- “permit” means a permit that is issued under this Act;
- “permit holder” means a holder of a valid permit issued under this Act;
- “protected forest resource” means a forest resource declared as such under section 18;
- “range land” means land in which the native vegetation (climax or natural potential) is predominantly grass, grass-like plants, forbs or shrubs suitable for grazing or browsing use, and includes the natural grasslands, savannah, desert, pans and wetlands of Botswana;
- “reforestation” means the natural or artificial restocking of an area with trees, and includes any activity specified in a permit or an approved plan that is associated with growing and maintaining such trees;
- Cap. 35:06 “repealed Acts” means the Agricultural Resources Conservation Act, the Herbage Preservation (Prevention of Fires) Act and the Forest Act repealed under section 85;
- Cap. 38:02 “Scientific Authority” means any Government Department or Agency, committee, or a public officer referred to in section 62 (1);
- Cap. 38:03 “state land” has the meaning assigned to it under the State Land Act;
- Cap. 32:01 “subsistence consumption” includes —
- (a) use for domestic purposes in private households and for construction, garden implements and furniture in private households; and
 - (b) use by any person belonging to a community which is entirely dependent for its living on hunting, gathering of foodstuffs and the gathering of forest produce;
- “subsistence gathering” means collection on land declared as a forest reserve or land under forest management of any forest product solely for the ceremonial, medicinal use or subsistence consumption of —
- (a) the person gathering; or

(b) a member of that person's immediate family, but does not include the gathering of trees, other than dead or fallen trees for fuel wood;

"timber" means any tree which has been felled or which has fallen and the part of any tree which has been cut off or fallen and all wood, whether sawn, split, hewn or otherwise fashioned;

"tribal land" has the same meaning assigned to it under the Tribal Land Act; and

"vegetation" means growing or standing vegetation, and includes any tree or part thereof and any bush, shrub, brushwood, undergrowth, grass, crops or stubble.

PART II — *General Principles*

3. Subject to this Act, the principles under the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the Basel Convention, the United Nations Convention to Combat Desertification and the Convention on International Trade in Endangered Species of Wild Fauna and Flora set out in the Schedule to this Act, including any Appendices thereto and any Resolutions of the Conference of the Parties, shall have force of law in Botswana in relation to the sustainable use and management of forest and range resources to which the Conventions apply.

Application
of Multilateral
Environmental
Agreements

4. (1) A forest shall be protected, conserved and managed in order to meet economic, social, ecological, cultural and spiritual needs of present and future generations of Botswana.

Principles
of forest
and range
resources
management

(2) A pollutant that harms forests shall be controlled in accordance with this Act.

(3) A forest plan shall consider the non-economic values of forests and the environmental consequences of their management.

(4) A forest and range land degradation and desertification shall be managed in accordance with this Act.

PART III — *Institutional Arrangements*

5. (1) There is hereby established, in accordance with the laws governing the public service, a Department to be known as the Department of Forestry and Range Resources.

Establishment
of Department

(2) Subject to the Public Service Act, there shall be appointed a Director and such other officers of the Department as may be deemed necessary.

(3) The Director shall, subject to the direction of the Minister, be responsible for the administration of the Department.

6. (1) The Department shall be the principal Management Authority for the management of forest and range resources and shall, in consultation with the Scientific Authority, issue permits for the export or re-export, possession or transportation of any species of flora specified in the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

(2) The Department shall be the principal Competent Authority and focal point for the regulation and protection of forests and range resources whose responsibility shall be investigating and preventing crimes, ensuring public safety by enforcing laws and regulations.

(3) Notwithstanding the generality of subsection (1), the Department shall —

- (a) ensure the implementation and administration of this Act, including the issuing of any permits, certificates or authorisations under this Act;**
- (b) formulate policy, programmes, strategies and plans for the management of forest and range resources;**
- (c) manage, protect and conserve the forest and range resources having regard to the immediate and long term economic, social, cultural, spiritual and ecological benefits they may confer on Botswana;**
- (d) plan for the use of the forest and range resources of the Government, so that the production of timber, non-wood forest product and forage, the grazing of livestock and the realisation of fisheries, wildlife, water, outdoor recreation and other natural resources and biodiversity values are coordinated and integrated, in consultation and cooperation with other ministries and agencies of the Government, the private sector, non-governmental organisations and communities;**
- (e) monitor and investigate the use of forest resource accounting to achieve the purpose of this Act; and**
- (f) conserve, utilise, protect and integrate management of forest and forest lands, including —**
 - (i) harvesting, regeneration and improvement of forest resources,**
 - (ii) protection of forest resources from extinction, fire, insects, disease, unlawful harvesting, damage or removal,**
 - (iii) access to and travel to forest lands or areas,**
 - (iv) conservation and enhancement of wild flora and other resources,**
 - (v) protection of representative areas of the forest as forested natural areas,**
 - (vi) provision of forest recreation and tourism opportunities on state forest lands, and**
 - (vii) protection from invasive plant species.**

- 7.** (1) The Department may, in the performance of its functions under this Act, cooperate or delegate, in writing, any of its functions to a Government Department or Agency, committee, or a public officer. Delegation of functions
- (2) Where the Department delegates any of its functions in accordance with subsection (1), it shall make necessary arrangements with the party to whom the Department delegates its functions, to facilitate the performance of the delegated functions.
- 8.** (1) There is hereby established a Board to be known as the Natural Resources Conservation Board. Establishment of Board
- (2) The Board shall exercise a supervisory role as provided for under this Act, over the natural resources in Botswana.
- 9.** The functions of the Board shall be — Functions of Board
- (a) to advise the Minister regarding matters relating to the supervision necessary to secure or promote the proper conservation, use and improvement of resources;
- (b) to carry out of its own motion or at the direction of the Minister investigations of or enquiries into any matter related to the conservation, use, improvement of natural resources; and
- (c) to give to any conservation committee or subordinate conservation committee directions concerning the policy to be followed by it in the exercise of its functions under the Act.
- 10.** (1) The Minister may give to the Board written directions, of a general or specific nature, regarding the exercise of its powers, which directions shall not be inconsistent with this Act or with contractual or other legal obligations of the Board. Directions by Minister
- (2) The Board shall give effect to the Minister's directions given in accordance with subsection (1).
- 11.** (1) The Minister shall, by Notice published in the *Gazette*, appoint seven Board members from amongst persons with expertise in — Composition of Board
- (a) natural resources;
- (b) environmental science;
- (c) agriculture;
- (d) business;
- (e) legal;
- (f) academia in the field of environmental or land management; and
- (g) civil society.
- (2) The Director of the Department responsible for forestry and range resources shall be an *ex-officio* member of the Board.
- (3) The Minister shall appoint the Chairperson of the Board from amongst the members.
- (4) The members shall elect, from among their number, a Vice-Chairperson.
- (5) The Department shall serve as the Secretariat of the Board.

Tenure of office

12. (1) Subject to the provisions of this section the members of the Board excluding a member appointed in terms of section 11 (2), shall hold office for such period not exceeding three years as may be specified in the notice appointing them, and on the expiration of such period may be eligible for re-appointment for one term:

Provided that in appointing members of the Board the Minister shall specify such periods of appointment that the periods of appointment of not more than one-third of the members shall expire in any one year.

(2) The Board shall meet four times in a year, unless otherwise stated or as may be directed by the Minister.

Establishment of committees

13. (1) The Minister may, by Notice published in the *Gazette*, establish Conservation Committees and shall appoint such number of the members of any such committee as he or she thinks fit.

(2) The function of a conservation committee shall be to keep under continual review the conservation of natural resources within its area of jurisdiction and make recommendations thereon to the Minister.

(3) A conservation committee shall conduct its proceedings in such manner as may be directed by the Minister.

Community participation

14. (1) The Department may, in the interest of promoting inclusive management of forests and forest resources, facilitate organised communities living closest to forests or forest resources to participate in the management of forest or forest resources.

(2) The Department shall, where required for the effective facilitation of community participation referred to in subsection (1), provide financial or opportunities of financial measures to enable such participation.

Authorised officers

15. (1) The Minister shall, by Notice published in the *Gazette*, appoint such number of persons as appears to him or her to be necessary, as authorised officers.

(2) An authorised officer may arrest, search or investigate any person, suspected on reasonable grounds to be in contravention of this Act and may seize any material, equipment, tool, vehicle or resource for the purpose of investigations.

(3) Any person who fails to comply with any request or direction made in accordance with the powers conferred by this section, or who gives information which he or she knows is false, commits an offence and is liable to a fine not exceeding P5 000 or to imprisonment for a term not exceeding one year, or to both.

(4) Any person who is detained, and everything seized under powers conferred by this Act shall be taken as soon as practicable before a court of competent jurisdiction, to be dealt with according to the law.

(5) An authorised officer executing his or her duties under this Act shall identify himself or herself and produce proof of his or her identity at all times.

PART IV — *Forest Resources Management*

- 16.** (1) The Minister may, by Order published in the *Gazette* —
- (a) declare a designated area of land as a forest management area or a forest reserve;
 - (b) declare that any forest management area or forest reserve shall cease to be a forest management area or a forest reserve; or
 - (c) vary the boundaries of any forest management area or forest reserve:

Declaration of forest management area and forest reserve

Provided that, any declaration of a forest management area or a forest reserve over state land or tribal land shall be subject to the written consent of the respective land authorities.

- (2) An Order made under this section —
- (a) may provide that the protection, control and management of forest management areas or forest reserves be subject to the overall control and guidance of the Department; and
 - (b) shall sufficiently describe the delimitations of the area declared under subsection (1).

(3) The Minister may, upon declaration of a forest management area or a forest reserve, in the Order made under subsection (1) or a subsequent Order, authorise a local authority to make bye-laws in respect of —

- (a) a forest management area or a forest reserve declared over the land of such local authority; or
- (b) a forest management area or a forest reserve declared on private land within the area of such local authority.

(4) Any declaration of a forest management area or a forest reserve over private land under subsection (3) shall be subject to the written prior informed consent of the owner.

(5) The bye-laws referred to in subsection (3) may be made for the purposes of —

- (a) taking measures for the protection, control and management of such forest management area or forest reserve;
- (b) issuing permits for the felling, harvesting and collection of produce and resources within such forest management area or forest reserve; or
- (c) collecting fees or royalties in respect of such produce, resources or any associated knowledge within the forest management area of forest reserve.

17. (1) A —

- (a) local authority; or
- (b) land authority, acting in accordance with the advice of a local authority,

Application for establishment of forest management area or forest reserve

may apply to the Minister to have a specific land declared as a forest management area or a forest reserve.

Marking of boundaries

(2) A person who owns private land may apply, in writing, to the Minister to have his or her private land declared a forest management area or a forest reserve.

18. The boundaries of any forest management area or a forest reserve shall be marked —

- (a) by notice boards in the forest management area or a forest reserve, in the official languages and in the languages commonly used by the local community of the area in which the forest management area or the forest reserve is established; and
- (b) by a fence, beacon or such other mark as may be prescribed.

Declaration of protected forest resources

19. (1) The Minister may, by Order published in the *Gazette*, declare any forest resource or class of resource to be a protected forest resource.

Provided that no such declaration shall be made in respect of any forest produce in any land without the consent of the land authority acting in accordance with the advice of the local authority, or on a private land, without the consent of the owner of the private land.

(2) A person shall not fell, cut, injure, take, work on, burn, damage, harvest, collect, gather, remove or in any way deal with any protected forest resource, unless he or she is issued with a permit under this Act.

(3) A person shall not fell, cut, injure, take, work on, burn, damage, harvest, collect, gather, remove or in any way deal with, on any land, without a permit —

- (a) any tree which is growing within 100 metres of the bank of any river; or
- (b) any protected forest product, other than a forest product —
 - (i) used for domestic purposes in his or her private household or in that of his or her employer or for the construction of household or garden implements and furniture for himself or herself, or
 - (ii) gathered by any person —
 - (aa) belonging to a community which is entirely dependent for its living on hunting, the gathering of foodstuffs and the gathering of forest produce;
 - (bb) who is himself or herself so dependent on the forest product being gathered; and
 - (cc) where the forest product is gathered for the reasonable requirements of the members of the community to which he or she belongs.

Cap. 40:01

(4) For the purposes of subsection (3), “any land” shall not include any area of land for which a city or a town council has been established in terms of the Local Government Act in respect of which such city or town council has made provision in its bye-laws for the protection of any forest produce.

Declaration of endangered plant species

20. (1) The Minister may, by Order published in the *Gazette*, declare any plant species which is in danger of extinction to be an endangered plant species.

(2) The Minister may list any critical habitats for the endangered species in the Order published under subsection (1).

21. (1) The Department shall, at least once in a 10-year period, prepare and submit to the Minister a report on the status of all forests.

State of forest report

(2) The Minister shall, by Notice published in the *Gazette*, publish a report submitted under subsection (1) and shall cause the report to be laid before the National Assembly within 90 days after publication in the *Gazette*.

22. The Director shall —

Preparation of management plan

- (a) in consultation with the community ensure that a management plan is prepared for every forest area designated as a forest management area or a forest reserve for purposes of coordinating policies, programmes and activities; and
- (b) in consultation with the community guide and regulate existing and potential uses of land within that forest management area or forest reserve.

23. The Director shall approve and cause to be published in the *Gazette*, a management plan, upon satisfaction that the management plan —

Approval of management plan

- (a) meets all requirements prescribed by this Act;
- (b) outlines objectives and strategies for —
 - (i) integrating forest land uses in a way that sustains forest resources and functions,
 - (ii) providing the public and the community the opportunity to participate in the implementation, monitoring, assessment and amendment of the management plan, and
 - (iii) monitoring and assessing the results of implementing the management plan;
- (c) has undergone a strategic environmental impact assessment or such other environmental study as shall be required under the Environmental Assessment Act; and
- (d) contains appropriate provisions for amending the plan.

Cap. 65:07

24. (1) Notwithstanding anything under any law, whenever changes to a management plan are considered by the Department to be necessary in the public interest or in the interest of conservation, forest or forest management or protection, the Department shall make public consultations before amending the management plan in accordance with any prescribed procedures.

Amendment to management plan

(2) The Minister may, where it is in the public interest to proceed with an activity on grounds of urgency, waive the requirements of subsection (1) and permit the carrying out of the activity, notwithstanding that the management plan has not been amended.

25. (1) The Department may enter into a forest management lease agreement, which shall be renewable, with any person or any government entity for a term not exceeding 15 years.

Forest management lease agreements

Classification or planning requirements

(2) The forest management lease agreement referred to under subsection (1) shall be liable for review by the Department every five years to ensure adjustments of any terms and conditions as may be required.

26. The Minister may prescribe any classification or planning requirements regarding forest or range land management.

Prohibited acts in forest management areas, forest reserves, communal lands, hillsides and wetlands

27. (1) No person shall, in a forest management area or a forest reserve, and without a permit from the competent authority —

(a) fell, cut, work, burn, damage, harvest, collect, gather, remove or in any way deal with any forest produce;

(b) reside or construct any dwelling used as a habitat, livestock enclosure or road;

(c) set fire to any grass or undergrowth, or light or assist in lighting any fire, or leave unattended a fire which he or she has lit, or caused by his or her negligence, before such fire has been thoroughly extinguished, or leave therein any object likely to cause fire;

(d) graze livestock or allow livestock to trespass;

(e) clear, cultivate or parcel out land for cultivation or other purpose;

(f) collect pit sand, quarry products, sand and gravel;

(g) be in possession of any implement for harvesting and removal of forest produce; or

(h) construct pipe lines, roads, fences, power cables or any other structure.

(2) A person shall not, in communal land, and without an appropriate permit from a competent authority —

(a) fell, cut, work, burn, damage, harvest, collect, gather, remove or in any way deal with any forest produce;

(b) set fire to any grass or undergrowth, or light or assist in lighting any fire, or leave unattended lit fire, or caused by his or her negligence, before such fire has been thoroughly extinguished, or leave therein any object likely to cause fire; or

(c) collect pit sand, quarry products, sand and gravel.

(3) A person shall not, in a hillside, wetland and a fragile area, and without a permit, fell, cut, work, burn, damage, harvest, collect, gather, remove any plant.

Exemption

28. (1) Notwithstanding anything contained in section 27 —

(a) the Minister may exempt any person from application of the provisions of section 27 for subsistence consumption or for any other use as the Minister may deem fit;

(b) a *bona fide* inhabitant of a town, village or habitation, specified by the Minister by Order published in the *Gazette*, may perform such acts as may be specified in such Order in a forest management area, forest reserve or communal land adjacent to such town, village or habitation; and

- (c) a *bona fide* traveller may, while travelling on a road through or in a forest management area, forest reserve or communal land —
 - (i) light a fire for the purposes of cooking, warmth or protection,
 - (ii) take firewood for his or her own use and for the use of those accompanying such traveller,
 - (iii) be in possession of implements for the cutting and taking of firewood,
 - (iv) graze any transport animals or any other animals required or in his or her possession during the journey, and
 - (v) cut, harvest, gather or take forest produce for immediate use during the journey.

(2) The Order referred to in subsection (1) may provide for roads to which the Order applies.

29. (1) Where an authorised officer, in conducting an inspection under this Act or otherwise acting in the course of scope of duty, discovers that an offence is being committed under this Act, he or she may seize any material, equipment, tool, vehicle or resource used to commit the offence.

Seizure in execution of duties

(2) Where any material, equipment, tool, vehicle or resource seized by an authorised officer in lawful execution of duties under this Act is damaged or its state changes adversely in any way whatsoever, the authorised officer shall not be liable for such damage or adverse changes.

(3) An authorised officer may, where he or she reasonably suspects that a forest resource listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora is obtained unlawfully, cause the forest resource to be forfeited to the State in accordance with the Proceeds and Instruments of Crime Act or, to be returned to its country of origin.

Cap. 08:03

30. An authorised officer shall obtain a warrant to enter premises, search and seize any object which on reasonable grounds is believed to have been used in the commission of an offence under this Act.

Warrant to enter premises, search and seize

31. Where an authorised officer believes, on reasonable grounds that —

Seizure without warrant

- (a) an offence against this Act has occurred or is occurring;
- (b) there is to be found in any vehicle, boat, aircraft or other conveyance a book, record, document, any quantity of resources, piece of equipment, tool or other thing which affords evidence of the offence; and
- (c) it is not practicable in the circumstances to obtain a warrant in accordance with section 30,

the authorised officer may, without a warrant, enter the premises and carry out any search or seizure in accordance with this Act.

32. (1) An authorised officer may issue a written order requiring any person to stop harvesting or any other activity where the authorised officer believes, on reasonable grounds, that —

Protection and conservation within forest management areas, forest reserves and communal land

- (a) the person has harvested or is harvesting forest products without authority to do so under this Act; or

- (b) the person has done or is doing anything that –
 - (i) damages forest areas or forest products, or
 - (ii) he or she is not authorised to do under this Act.

(2) An authorised officer's order issued under subsection (1) shall remain in effect for seven days or any shorter period specified by the authorised officer.

(3) An authorised officer may rescind an order issued under subsection (1) before the time set for its expiration, if the person to whom the order is directed has –

- (a) stopped doing any activity referred to in subsection (1);
- (b) prevented further damage from occurring by an activity referred to in subsection (1); or
- (c) repaired any damage caused by an activity referred to in subsection (1).

Action by
Minister

33. (1) The Minister may take any action that he or she considers necessary to repair or prevent damage to a forest management area, forest reserve or protected forest product where –

- (a) the Department considers it in the public interest or environmental interest to take immediate action;
- (b) an authorised officer is unable to identify or locate the person responsible for an activity referred to in section 31; or
- (c) the person who is served with an order made under section 31 fails to comply with the order within the specified time.

(2) The amount of any costs and expenses incurred in respect of any action taken by the Department shall be a debt due to and recoverable by the Government from the person engaging in, or otherwise responsible for, the activity referred to in section 31.

PART V — *Fire Management*

Prohibition
of burning
vegetation

- 34.** (1) A person shall not set fire to –
- (a) any vegetation on land of which he or she is –
 - (i) the owner or in lawful occupation; or
 - (ii) not the owner or in lawful occupation;
 - (b) any communal land; or
 - (c) any land declared as a forest management area or forest reserve,

unless he or she is issued with a permit as may be prescribed.

(2) Any person who contravenes this section commits an offence.

Duty to
report fire

35. (1) Any person who sees an open fire that is burning in forest land, range land or communal land and that appears to be burning unattended or uncontrolled shall immediately report the fire to –

- (a) any public officer;
- (b) any police officer; or
- (c) the Department.

(2) Any person who fails to report commits an offence and is liable to a fine not exceeding P10 000 or to imprisonment for a term not exceeding 5 years, or to both.

36. (1) Every person shall, before burning vegetation on land of which he or she is the owner, lawful occupier or on which he or she is permitted or authorised to burn vegetation, give 10 days' notice of the intention to do so, and as nearly as possible to the time at which the burning is to begin, to all owners and occupiers of adjoining land and where reasonably practicable, to a local authority or to the nearest police station.

Notice to be given before burning of vegetation

(2) If a fire lawfully lit after notice has been given in accordance with this section spreads to adjoining land, the fact that such notice was given shall —

- (a) to the person who lit or was responsible for lighting the fire, be a sufficient defence to any charge of contravening subsection (1), unless it is proved that he or she wilfully or negligently or by the negligence of such person's servant or agent caused or permitted the fire to spread across the boundary of the land on which the fire was lit to the adjoining land; and
- (b) not affect the right of any person aggrieved to recover damages by civil action against the permit holder for any loss so sustained.

37. A person shall not burn vegetation on a private land without the prior authorisation by the Director.

Prohibition of burning vegetation in private land without consent or authority

38. (1) The Director may, by notice in writing, require the construction and maintenance of firebreaks by an owner or occupier of land within forest land, communal land and a protected area.

Construction and maintenance of firebreaks

(2) A notice under this section shall —

- (a) apply to any area as may be specified in the notice;
- (b) specify the extent and location of the firebreaks; and
- (c) be published in the *Gazette* and be exhibited, in a prominent place at an office of the Department, District Commissioner or of a local authority situated within the area or place to which the notice applies, not less than 14 days before the date of commencement of the notice.

(3) The provisions of this section shall not apply within the boundaries of any city, town, village or settlement.

39. (1) An owner or occupier of land may, by notice in writing, served upon the Department and an owner or occupier of any adjoining land, on or near the common boundary of which sufficient firebreaks have not in his or her opinion been constructed and maintained, require the owner or occupier of the adjoining land —

Land owner or occupier of land

- (a) to construct and maintain on the adjoining land a boundary firebreak along the whole length of the common boundary or along stretches of the common boundary as the notice may specify; or
- (b) to contribute an agreed amount of labour and costs necessary to construct and maintain —
 - (i) on both sides of the common boundary, boundary firebreaks along the whole length of the common boundary or corresponding boundary firebreaks along such stretches of the common boundary as the notice may specify, or

(ii) on either side of the common boundary, such other firebreaks as may be agreed upon.

(2) A notice under subsection (1) shall be deemed to contain a requirement that the owner or occupier upon whom the notice is served shall permit all reasonable access to the adjoining land to enable the owner or occupier serving the notice to construct and maintain or to contribute to the construction and maintenance of such firebreaks referred to in the notice as are or are to be on the adjoining land.

(3) An owner or occupier of land upon whom a notice has been served under subsection (1) may appeal, in writing against the requirements contained in the notice, within 30 days after its service upon the owner or occupier, to the local authority or the Department where the land in question lies wholly within the area of authority of the local authority or the Department.

(4) The process for serving the notice and the process of an appeal under subsection (3) shall be made in terms of section 78 of the Act.

Mishandling
burning
substances

40. (1) Except for the purpose of starting a fire in accordance with this Act or any other law, a person shall not, in forest land or range land, drop, release or mishandle —

(a) a burning substance; or

(b) any other thing that the person reasonably ought to believe is likely to cause fire.

(2) A person who contravenes subsection (1) shall immediately extinguish, if practicable —

(a) the burning substance; or

(b) any fire that results from dropping, releasing or mishandling the burning substance or any other thing that the person reasonably believes is likely to catch fire.

(3) Where the person is unable to extinguish the fire referred to under this section, he or she shall as soon as is practicable, report the fire as provided for under section 35.

(4) The provisions of this section shall not apply within the boundaries of any city, town, village or settlement.

Non-industrial
use of open fires

41. (1) A person, other than a person carrying out an industrial activity, shall not light, fuel or use an open fire in a forest land, range land or within 1.6 km of the forest land or range land, except as may be prescribed.

(2) A person who contravenes subsection (1) shall —

(a) immediately carry out fire control measures and extinguish the fire, if practicable; and

(b) as soon as is practicable, report the fire as provided for under section 35.

Industrial use
of open fires

42. (1) Except as may be prescribed, a person carrying out an industrial activity shall not light, fuel or use an open fire in a forest land, range land or within 1.6 km of the forest land or range land.

(2) A person who carries out an industrial activity shall do so at a time and in a manner that can reasonably be expected to prevent a fire from starting due to the industrial activity.

(3) If, except in the prescribed circumstances referred to under section 41 (1) or subsection (1) of this section, a fire starts at, or within 1.6km of, the site of an industrial activity, a person carrying out such industrial activity shall —

- (a) immediately carry out fire control measures and extinguish the fire if practicable; and
- (b) as soon as is practicable, report the fire as provided for under section 35.

43. (1) A person carrying out an industrial activity or a prescribed activity on forest land or range land, or within 1.6 km of forest land or range land, shall conduct a fire hazard assessment.

Hazard assessment and mitigation

(2) A person carrying out an industrial activity or a prescribed activity shall abate, within a prescribed period, a fire hazard of which the person is aware or ought reasonably to be aware.

(3) Notwithstanding subsection (2), if an authorised officer identifies circumstances that the authorised officer considers constitute a fire hazard in relation to —

- (a) an industrial activity; or
- (b) a prescribed activity referred to in subsection (2),

the authorised officer may, by written order, require the person to mitigate or stop the fire hazard within such period as may be specified.

(4) A person who is the subject of an order under subsection (3) and to whom written notice of the order has been given shall comply with the order.

(5) A person who contravenes this provision commits an offence and is liable to a fine not exceeding P1 000 or to imprisonment for a term not exceeding five years, or to both.

44. (1) Where there is a fire in a land, an authorised officer may enter on the land and carry out fire control measures if he or she considers that a fire on or near the land endangers life or threatens forest land or range land.

Right to enter land by authorised officers

(2) An authorised officer may remain on land or re-enter any land under subsection (1) for the purposes of investigating the cause of a fire, rehabilitating the land or for any other purpose as may be prescribed after carrying out the fire control measures under subsection (1).

45. No action shall lie against any officer, police officer or any person acting under the instruction of such officer or police officer, in respect of any damage caused in the exercise of any powers conferred or the performance of any duties imposed under the provisions of this Act, unless it is proved that such damage was caused *mala fide*.

Exemption from liability

46. Any person acting in good faith may enter upon any land for the purpose of controlling, extinguishing or preventing the spread of a fire which he or she reasonably believes is not under control or may become a danger to life and property.

Right to enter land by private persons

47. (1) Notwithstanding the provisions of sections 38 and 39, an authorised officer may, if he or she considers it necessary or desirable to limit the risk of a fire or to address a public safety concern —

Restriction on open fires

Restricted areas

- (a) restrict or prohibit the lighting, fuelling or use of an open fire; or
- (b) require any person lighting, fuelling or using an open fire in the area to cease doing so and to extinguish the open fire.

(2) A restriction or requirement under this section may be varied according to —

- (a) the type, category or subcategory of open fires; or
- (b) the categories of persons, places, things, or circumstances.

(3) Any person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P10 000 or to imprisonment for a term not exceeding 12 months, or to both.

48. (1) The Minister may, by Order published in the *Gazette*, designate a specified area as a restricted area for a specified period, if he or she considers it necessary or desirable to limit the risk of a fire, to address a public safety concern or to avoid interference with fire control measures.

(2) A person shall not remain in or enter the area designated under subsection (1) as a restricted area, during the specified period under the Order, unless the person —

- (a) is issued with a written authorisation by an authorised officer; or
- (b) enters the area only in the course of —
 - (i) travelling to or from his or her place of residence,
 - (ii) using the only available access road, or
 - (iii) travelling to or from an operation or activity of a type that the Minister may specify in the Order.

(3) An Order or written authorisation issued under this section may vary according to —

- (a) the type, category or subcategory of operations or activities; or
- (b) the categories of persons, places, things or circumstances.

(4) A person shall be relieved from any fire control obligation for a restricted area for the period during which an area continues as a restricted area under subsection (1).

Prohibited or restricted activities

49. (1) The Minister may, by Order published in the *Gazette*, prohibit or restrict —

- (a) any activity that may be carried out; or
- (b) any equipment, material or substance that may be used in a specified area and for a specified period,

if the Minister considers that the activity or the use of such equipment, material or substance is likely to cause or contribute to the spread of fire.

(2) An Order under subsection (1) may be varied according to —

- (a) the type, category or subcategory of activities, equipment, material or substance; or
- (b) the categories of persons, places, things or circumstances.

(3) The Director may, for the period during which an activity continues as a restricted activity under this section, exempt a person, in writing from an Order made under subsection (1) or from any fire control obligation for that area.

<p>50. (1) The Director may require any person in an area specified by an authorised officer to leave an area, if the Department is engaged in fire control measures in such area.</p>	<p>Order to vacate or leave specified area</p>
<p>(2) An Order under subsection (1) may vary according to different categories of persons.</p>	
<p>51. (1) Notwithstanding the provisions of section 49, an order regarding restrictions of activities in any restricted area shall be given in accordance with this section.</p>	<p>Notice of orders</p>
<p>(2) A notice relating to an order under subsection (1) shall be given to all persons in or near the applicable area.</p>	
<p>(3) The notice under subsection (2) shall be in the official languages and a language commonly used by a local community of the applicable area.</p>	
<p>52. Where a fire is burning and an officer in the Department, disciplined forces or local authority, or an owner or occupier of the land on which the fire is burning or any other person reasonably believes that the fire may become a danger to life or property, such person may require any person present at or in the vicinity of the burning fire to render assistance or to do any act or perform any service that is reasonably considered necessary or expedient to control, extinguish or prevent the spread of such fire.</p>	<p>Power to require assistance in putting out fire</p>
<p>53. Nothing in this Act shall prohibit any person, where life, inclusive of wild or domestic animals, person or property, is in danger of loss or injury from an approaching fire, from counter-firing in order to prevent loss or injury; but reasonable care shall be taken that the fire lit does not spread beyond the limits necessary to prevent such loss or injury.</p>	<p>Protection of life, persons and property by counter-firing</p>
<p>54. (1) A person who gets injured or loses life due to fire when carrying out fire control measures shall be compensated at such a rate, as may be prescribed.</p>	<p>Compensation for persons carrying out fire control measures</p>
<p>(2) The Minister may prescribe for any incentives for the purposes of undertaking fire control measures.</p>	
<p>55. (1) An authorised officer may enter, at any reasonable time for any purpose related to the administration or enforcement of this Act —</p>	<p>Entry on land and premises for inspection, examination or analysis</p>
<p>(a) on land that is forest or range land;</p>	
<p>(b) any premises on forest or range land, other than a dwelling or a room being used as a dwelling, if the authorised officer has reasonable grounds to believe that the land or premises is the site of a fire or industrial activity that may have caused or contributed to a fire.</p>	
<p>(2) Notwithstanding the provisions of subsection (1), an authorised officer may enter on forest land or range land at any reasonable time to inspect for fire hazards, if the authorised officer has reasonable grounds to believe that an activity is being carried out or a condition exists on the land that might cause or produce a fire hazard.</p>	
<p>(3) An authorised officer who enters on land or premises under this section —</p>	
<p>(a) may inspect anything or any activity that is reasonably related to the purposes of the inspection; and</p>	

- (b) may require the production, for the purposes of inspection, examination and analysis, of a copy of –
- (i) a permit that is required for the activity, or
 - (ii) a record required to be kept under this Act.
- 56.** An authorised officer or police officer, who has reasonable grounds to believe that there is anything that is in a vehicle or other mode of transport and is relevant to a contravention by any person of this Act, may require the person operating the vehicle or other mode of transport to stop the vehicle or such other mode of transport and carry out an inspection of the vehicle or such other mode of transport.
- 57.** (1) A person shall not obstruct an authorised officer in the lawful exercise of a power or duty under this Act.
- (2) The operator of a motor vehicle or other mode of transport shall stop the motor vehicle or other mode of transport under his or her control when required to do so by an authorised officer or by a police officer.

PART VI — *Permits*

- 58.** (1) The Department may issue a forest product permit conferring the right to harvest a specified forest product in such form and upon payment of a fee as may be prescribed.
- (2) The Department may issue to any citizen a permit to do any act under this Act on such conditions as may be imposed.
- (3) An application for a permit under this Act shall be made to the Department in such form as may be prescribed.
- (4) The Department shall, when considering or issuing a permit under this Act, acknowledge and give effect to other laws that govern the utilisation of biological or genetic resources or traditional knowledge.
- 59.** The Department may set conditions in any permit issued relating to –
- (a) the size of harvest areas;
 - (b) harvest methods;
 - (c) product utilisation requirements;
 - (d) the terms applicable to harvesting and renewing forest products for the purpose of ensuring that forest products are used in accordance with the terms of any plan made under this Act;
 - (e) the location, construction and use of roads; or
 - (f) any other terms that the Department considers appropriate.
- 60.** (1) A person shall not, without the written authority of the Department, import or introduce any invasive genetic material into a forest management area or protected areas, communal areas and private land.
- (2) Subject to the Plant Protection Act, a person, without the written authority of the Department, shall not import any exotic or alien plant into a forest management area that could cause the spread of invasive plant species, insects or diseases harmful in any way to such forest management area.

Inspection
of vehicle or
other mode of
transport

Duty to
cooperate by
person being
inspected

Forest product
permit and other
permits

Conditions and
terms of permit

Import controls
in forest areas

Cap. 35:02

(3) A person who contravenes subsection (1), commits an offence and is liable to a fine not exceeding P2 000 or to imprisonment for a term not exceeding two years, or to both.

61. (1) Subject to the provisions of this section, a person shall not import, export or re-export, possess or transport any species of flora specified in the Convention on International Trade in Endangered Species of Wild Fauna and Flora except in accordance with a permit issued by the Department in consultation with the Scientific Authority appointed under section 62.

Import, export, etc. of endangered species of flora

(2) A person who contravenes subsection (1) commits an offence and is liable to a fine not exceeding P2 000 or to imprisonment for a term not exceeding two years, or to both.

62. The Minister may make regulations for the appointment of a Scientific Authority, which shall perform the functions specified in Articles III and IV of the Convention on International Trade in Endangered Species of Wild Fauna and Flora set out in the Schedule.

Appointment of Scientific Authority

63. (1) A Scientific Authority appointed under section 62 may affix a mark on a flora specimen for the purposes of identifying the specimen.

Affixing of mark to identify specimen

(2) A person shall not alter, deface or erase a mark affixed in accordance with subsection (1).

(3) A person who contravenes subsection (2) commits an offence and is liable to a fine not exceeding P2 000 or to imprisonment for a term not exceeding two years, or to both.

64. A person who is required by an authorised officer to produce a permit shall immediately produce it for examination.

Production of permit

65. (1) A person or a community shall conduct subsistence gathering in such quantities as needed, and subsistence gathering shall not be done for the purposes of commercial enterprises or commercial activities.

Subsistence gathering

(2) The Minister may, by Notice published in the *Gazette*, specify a quantity permissible under subsection (1) for subsistence gathering.

66. Any person who wishes to undertake the activities of harvesting, manipulating, gathering or using resources from the designated forest areas shall apply for a permit for the specific activity in such form and upon the payment of such fee, as may be prescribed.

Requirement for permit in forests and forest lands

67. Notwithstanding anything to the contrary contained in this Act, the Minister may, subject to such general or special directions as he or she may think fit, empower an authorised officer to issue permits in respect of forest produce which is the property of the State —

Exclusive permits

- (a) granting the exclusive right to take such produce; or
- (b) granting the right to take such produce for free or at a reduced fee,

on such conditions as the authorised officer, in the absence of general or special directions by the Minister, thinks fit.

PART VII — *Offences*

Harvesting forest produce without permit	68. Any person who, without a permit, harvests forest and range produce which is not exempted from the requirements for the issuance of a permit under this Act, commits an offence.
Discharge of contaminants into forest or range land areas	69. A person shall not discharge — (a) any contaminant into the natural environment of the forest land or range land; or (b) any contaminant from any industrial or trade practice onto forest land or range land, in circumstances that may result in that contaminant or any other contaminant resulting from natural processes from that contaminant, entering water or affecting the biodiversity or natural resources in forest or range land, unless the discharge is expressly allowed in a forest management plan or permit.
Offences and penalties	70. (1) A person who contravenes the provisions of this Act for which no penalty is provided for commits an offence and is liable to a fine not exceeding P1 000 000 or to imprisonment for a term not exceeding 10 years, or to both. (2) A person who assaults, wilfully obstructs or resists arrest by an authorised officer in the performance of his or her duties under this Act, commits an offence and is liable to a fine not exceeding P1 000 or to imprisonment for a term not exceeding five years, or to both.
Administrative penalties	71. Any person who contravenes the provisions of this Act may be liable for a civil suit and may be subject to administrative corrective measures as appropriate.

PART VIII — *Miscellaneous Provisions*

Duty to avoid, remedy or mitigate adverse effects	72. A person has a duty to avoid, remedy or mitigate any adverse effect on the environment arising from an activity carried by or on behalf of that person, whether or not the activity is in accordance with a plan or permit.
Impact assessment	73. The Department shall, if directed by the Minister or on its own initiative, and for the purposes of any controls or limitations that may be imposed on a recognised customary right or activity — (a) assess the social or environmental adverse effects of a recognised customary activity; and (b) submit a report, based on the assessment carried out under paragraph (a), to the Minister.
Duty to provide certain information	74. Where an authorised officer has reasonable grounds to believe that a person is breaching or has breached any of the obligations under this Act, the authorised officer may direct that person to provide such information, as may be prescribed.

75. The Minister may, in respect to land which is not state land, on the application of a local authority, private owner or occupier of such land, declare by Order published in the *Gazette*, that certain specified provisions of this Act apply to land which is not state land as if such land was state land.

Application of certain provisions to private land

76. All rights of ownership in forest and range resources are vested in the State and the Minister shall ensure, in the public interest, that the forest and range resources of the State are exploited in the most efficient and beneficial manner.

Ownership of forest and range resources vested in State

77. Subject to any mining rights lawfully acquired in any area by any person before the date on which such area became a forest management area or a forest reserve, any prospecting or mining in the area or the acquisition of any prospecting or mining rights in the area in terms of the Mines and Minerals Act shall be prohibited except with the written permission of the Minister.

Mining in forest management area or forest reserve

Cap. 66:01

78. Any person aggrieved by an order or decision regarding a permit or any act may appeal to the Appeals Committee within 30 days.

Appeals

79. (1) There is hereby established an Appeals Committee.

Establishment of Appeals Committee

(2) The Minister shall, by Notice published in the *Gazette*, appoint an Appeals Committee which shall be composed of —

- (a) a Chairperson;
- (b) a legal practitioner;
- (c) a *Kgosi* or *Moemela Kgosi*; and
- (d) four members who shall be from —
 - (i) a local authority,
 - (ii) any research institution,
 - (iii) the private sector, and
 - (iv) any civic organisation.

(3) The Minister shall appoint the Chairperson of the Appeals Committee from amongst the Members. —

(4) The Vice Chairperson of the Appeals Committee shall be elected by the members from amongst their number.

(5) The Appeals Committee may within a 30 day period of receiving an appeal, confirm vary or set aside a decision of the Department on the hearing of any appeal brought under this Act.

(6) The Appeals Committee shall determine its own procedure for the hearing of appeals made in terms of subsection (5).

(7) Any person aggrieved by the Committee's decision may appeal to the High Court.

80. (1) The Chairperson and Vice Chairperson shall be appointed for a term of three years.

Tenure of office

(2) The other members shall be appointed for a term of three years.

(3) A member whose term has expired shall be eligible for re-appointment for one more term.

81. A person shall not be appointed as a member or be qualified to continue to hold office who has —

Disqualification

- (a) in terms of the law in force in any country —
 - (i) been adjudged or otherwise declared bankrupt and has not been discharged, or
 - (ii) made an assignment, arrangement or composition with his or her creditors, which has not been rescinded or set aside, or
- (b) within a period of 10 years immediately preceding the date of his or her appointment been convicted —
 - (i) of any criminal offence in any country, or
 - (ii) of any criminal offence for which he or she has received a free pardon and notwithstanding that the sentence has been suspended, which if committed in Botswana, would have resulted in a criminal offence having been committed, the penalty for which would be at least six months' imprisonment without an option of a fine.

Removal,
suspension or
resignation of
member

- 82.** (1) The Minister may suspend a member where —
- (a) that member is absent without reasonable cause from three consecutive meetings of the Appeals Committee; or
 - (b) criminal proceedings have been instituted against that member for an offence that attracts a prison sentence.
- (2) The Minister may remove a member where —
- (a) the member is inefficient;
 - (b) the member is convicted of a criminal offence and sentenced to a prison term;
 - (c) the member has been found to be physically or mentally incapable of performing his or her duties efficiently; or
 - (d) the member has acted in contravention of the provisions of this Act.

(3) A member may resign from office by giving 30 days' notice in writing to the Minister.

Filling of
vacancy

83. (1) Where the office of a member becomes vacant before the expiry of his or her term of office, the Minister shall, in accordance with section 79 (2), appoint another person to fill that vacancy and that appointment shall be for the remaining duration of the term of the original member.

(2) The provisions of subsection (1) shall not apply where the remainder of the period for which the member who vacated office is less than six months.

Remuneration
and allowances

84. A member shall be paid such remuneration and allowances as the Minister may determine.

Meeting
of Appeals
Committee

85. (1) The Appeals Committee shall meet at such place and time as it may determine and shall be convened by the Chairperson of the Appeals Committee.

(2) The Chairperson shall preside at any meeting of the Appeals Committee and, in his or her absence, the Vice Chairperson.

(3) A decision of the Appeals Committee on any matter shall be by a majority of the members present and voting at the meeting and, in the event of an equality of votes, the Chairperson shall have a casting vote in addition to his or her deliberative vote.

(4) At any meeting of the Appeals Committee, a quorum shall be constituted by at least five of the members.

86. (1) Where a member is present at a meeting at which any matter which is the subject of consideration and in which matter that member or immediate family member is directly or indirectly interested in a private capacity, the member shall, as soon as practicable after the commencement of the meeting, disclose such interest and shall not, unless the Appeals Committee otherwise directs, take part in any consideration or discussion of, or vote on, any question concerning that matter.

Disclosure of interest

(2) A disclosure of interest made under subsection (1) shall be recorded in the minutes of proceedings at which it is made.

(3) Where a member fails to disclose his or her interest in accordance with subsection (1) and the Appeals Committee makes a decision which benefits that member directly or indirectly, that decision shall be void to the extent to which it benefits him or her.

(4) A person who contravenes the provisions of subsection (1) commits an offence and is liable to a fine not exceeding P2 000, or to imprisonment for a term not exceeding three months, or to both.

(5) For the purposes of this section, “immediate family member” means the spouse, son, daughter, sibling or parent of the member or employee of a public body.

87. (1) A member shall not disclose any confidential information relating to the affairs of the Appeals Committee which he or she acquires during the performance of his or her duties in the Appeals Committee.

Confidentiality

(2) Notwithstanding the provisions of subsection (1), a member may disclose information relating to the affairs of the Appeals Committee acquired during the performance of his or her duties —

- (a) within the scope of his or her duties; or
- (b) where required to —
 - (i) by an order of court,
 - (ii) under any written law, or
 - (iii) in the investigation of an offence.

(3) A person who contravenes the provisions of this section commits an offence and is liable to a fine not exceeding P2 000 or to imprisonment for a term not exceeding three months, or to both.

88. The Minister may make regulations for the better carrying out of the objects and purposes of this Act.

Regulations

89. The Agricultural Resources Conservation Act, the Herbage Preservation (Prevention of Fires) Act and the Forest Act (hereinafter referred to as “the repealed Acts”) are hereby repealed.

Repeal of
Cap. 35:06,
Cap. 38:02
and Cap. 38:03

Savings and
transitional
provisions

90. (1) Notwithstanding the repeal under section 89, any subsidiary legislation made under the repealed Acts shall continue to be of force and effect as if made under the provisions of this Act, to the extent that it is not inconsistent with such provisions, until revoked or amended under this Act.

(2) Any permit, notice, order or authorisation issued or granted under the provisions of the repealed Acts shall remain valid until its expiry date whereupon the holder of such permit, notice, order or authorisation shall apply under this Act for a new permit, notice, order or authorisation.

(3) Any decisions made and any other actions lawfully taken under the repealed Acts are hereby deemed to be decisions made and actions taken under this Act.

(4) Any enquiry or proceedings whether of a disciplinary nature or otherwise, instituted or pending under the repealed Acts shall be dealt with, inquired into and determined in accordance with the procedure in place prior to the commencement of this Act.

SCHEDULE

(section 3)

CONVENTION ON BIOLOGICAL DIVERSITY

UNITED NATIONS

1992

CONVENTION ON BIOLOGICAL DIVERSITY

Preamble

The Contracting Parties,

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

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

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

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

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-si tu* measures, preferably in the country of origin, also have an important role to play,

Recognising 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,

Recognising 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,

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

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

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

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

Determined to conserve and sustainably use biological diversity for the benefit of present and future generations.

Have agreed as follows

Article 1 Objectives

The objectives of this Convention, to be pursued in accordance with its relevant provisions, are:

the conservation of biological diversity the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilization of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding.

Article 2 Use of Terms

For the purposes of this Convention:

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

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

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

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

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

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

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

“*Ex-situ* conservation” means the conservation of components of biological diversity outside their natural habitats.

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

“Genetic resources” means genetic material of actual or potential value.

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

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

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

“Protected area” means a geographically defined area which is designated or regulated and managed to achieve specific conservation objectives.

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

“Sustainable use” means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations.

“Technology” includes biotechnology.

Article 3 Principle

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

Article 4

Jurisdictional Scope

Subject to the rights of other States, and except as otherwise expressly provided in this Convention, the provisions of this Convention apply, in relation to each Contracting Party:

- (a) In the case of components of biological diversity, in areas within the limits of its national jurisdiction; and
- (b) In the case of processes and activities, regardless of where their effects occur, carried out under its jurisdiction or control, within the area of its national jurisdiction or beyond the limits of national jurisdiction.

Article 5

Cooperation

Each Contracting Party shall, as far as possible and as appropriate, cooperate with other Contracting Parties, directly or, where appropriate, through competent international organizations, in respect of areas beyond national jurisdiction and on other matters of mutual interest, for the conservation and sustainable use of biological diversity.

Article 6

General Measures for Conservation and Sustainable Use

Each Contracting Party shall, in accordance with its particular conditions and capabilities:

- (a) Develop national strategies, plans or programmes for the conservation and sustainable use of biological diversity or adapt for this purpose existing strategies, plans or programmes which shall reflect, inter alia, the measures set out in this Convention relevant to the Contracting Party concerned; and
- (b) Integrate, as far as possible and as appropriate, the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans, programmes and policies.

Article 7

Identification and Monitoring

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

- (a) Identify components of biological diversity important for its conservation and sustainable use having regard to the indicative list of categories set down in Annex I;
- (b) Monitor, through sampling and other techniques, the components of biological diversity identified pursuant to subparagraph (a) above, paying particular attention to those requiring urgent conservation measures and those which offer the greatest potential for sustainable use;

- (c) Identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques; and
- (d) Maintain and organize, by any mechanism data, derived from identification and monitoring activities pursuant to subparagraphs (a), (b) and (c) above.

Article 8 ***In-situ Conservation***

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

- (a) Establish a system of protected areas or areas where special measures need to be taken to conserve biological diversity:
- (b) Develop, where necessary, guidelines for the selection, establishment and management of protected areas or areas where special measures need to be taken to conserve biological diversity:
- (c) Regulate or manage biological resources important for the conservation of biological diversity whether within or outside protected areas, with a view to ensuring their conservation and sustainable use;
- (d) Promote the protection of ecosystems, natural habitats and the maintenance of viable populations of species in natural surroundings:
- (e) Promote environmentally sound and sustainable development in areas adjacent to protected areas with a view to furthering protection of these areas:
- (f) Rehabilitate and restore degraded ecosystems and promote the recovery of threatened species, inter alia, through the development and implementation of plans or other management strategies:
- (g) Establish or maintain means to regulate, manage or control the risks associated with the use and release of living modified organisms resulting from biotechnology which are likely to have adverse environmental impacts that could affect the conservation and sustainable use of biological diversity, taking also into account the risks to human health:
- (h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species:
- (i) Endeavour to provide the conditions needed for compatibility between present uses and the conservation of biological diversity and the sustainable use of its components:
- (j) Subject to its national legislation, respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices:
- (k) Develop or maintain necessary legislation and/or other regulatory provisions for the protection of threatened species and populations:

- (l) Where a significant adverse effect on biological diversity has been determined pursuant to Article 7, regulate or manage the relevant processes and categories of activities: 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-si tu* 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-si tu* 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-si tu* 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, 13 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 other States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and
- (e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic Integration organizations concerned, to establish joint contingency plans.

2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.

Article 15 **Access to Genetic Resources**

1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

2. Each Contracting Party shall endeavour to create conditions to facilitate access to genetic resources for environmentally sound uses by other 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.

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 obligations included in paragraphs 1, 2 and 3 above.

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

Article 17
Exchange of Information

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

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

Article 18
Technical and Scientific Cooperation

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

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

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

4. The Contracting Parties shall, in accordance with national legislation and policies, encourage and develop methods of cooperation for the development and use of technologies, including indigenous and traditional technologies, in pursuance of the objectives of this Convention. For this purpose, the Contracting Parties shall also promote cooperation in the training of personnel and exchange of experts.

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

Article 19
Handling of Biotechnology and Distribution of its Benefits

1. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the Affective 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 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 nongovernmental, qualified in fields relating to conservation and sustainable use of biological diversity, which has informed the Secretariat of its wish to be represented as an observer at a meeting of the Conference of the Parties, may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

Article 24 Secretariat

- i. 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 213;
 - (b) To perform the functions assigned to it by any protocol;
 - (c) To prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties;
 - (d) To coordinate with other relevant international bodies and, in particular to enter into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
 - (e) To perform such other functions as may be determined by the Conference of the Parties.

2. At its first ordinary meeting, the Conference of the Parties shall designate the secretariat from amongst those existing competent international organizations which have signified their willingness to carry out the secretariat functions under this Convention.

Article 25 Subsidiary Body on Scientific Technical and Technological Advice

1. A subsidiary body for the provision of scientific, technical and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely advice relating to the implementation of this Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the

relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the authority of and in accordance with guidelines laid down by the Conference of the Parties, and upon its request, this body shall:

- (a) Provide scientific and technical assessments of the status of biological diversity;
- (b) Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;
- (c) Identify innovative, efficient and state-of-the-art technologies and know-how relating to the conservation and sustainable use of biological diversity and advise on the ways and means of promoting development and/or transferring such technologies;
- (d) Provide advice on scientific programmes and international Cooperation in research and development related to conservation and sustainable use of biological diversity; and
- (e) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions, terms of reference, organization and operation of this body may be further elaborated by the Conference of the Parties.

Article 26 **Reports**

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

Article 27 **Settlement of Disputes**

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

2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party.

3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration organization may declare in writing to the Depositary that for a dispute not resolved in accordance with paragraph 1 or paragraph 2 above, it accepts one or both of the following means of dispute settlement as compulsory:

- (a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;
- (b) Submission of the dispute to the International Court of Justice.

4. If the parties to the dispute have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with Part 2 of Annex II unless the parties otherwise agree.

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

Article 28 Adoption of Protocols

1. The Contracting Parties shall cooperate in the formulation and adoption of protocols to this Convention.

2. Protocols shall be adopted at a meeting of the Conference of the Parties.

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

Article 29 Amendment of the Convention or Protocols

1. Amendments to this Convention may be proposed by any Contracting Party. Amendments to any protocol may be proposed by any Party to that protocol.

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

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention or to any protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a two-third majority vote of the Parties to the instrument in question present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, acceptance or approval.

4. Ratification, acceptance or approval of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 above shall enter into force among Parties having accepted them on the ninetieth day after the deposit of instruments of ratification, acceptance or approval by at least two thirds of the Contracting Parties to this Convention or of the Parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, acceptance or approval of the amendments.

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

Article 30
Adoption and Amendment of Annexes

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

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

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

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

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

Article 31
Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention or to any protocol shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

Article 32
Relationship between this Convention and Its Protocols

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

2. Decisions under any protocol shall be taken only by the Parties to the protocol concerned. Any Contracting Party that has not ratified, accepted or approved a protocol may participate as an observer in any meeting of the parties to that protocol.

Article 33
Signature

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

Article 34
Ratification, Acceptance or Approval

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

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

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

Article 35
Accession

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

2. In their instruments of accession, the organizations referred to in paragraph 1

above shall declare the extent of their competence with respect to the matters governed by the Convention or the relevant protocol. These organizations shall also inform the Depositary of any relevant modification in the extent of their competence.

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

Article 36 Entry Into Force

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

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

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

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

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

Article 37 Reservations

No reservations may be made to this Convention.

Article 38 Withdrawals

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

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 I

ARBITRATION

Article 1

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

The secretariat shall forward the information thus received to all Contracting Parties to this Convention or to the protocol concerned.

Article 2

1. In disputes between two parties, the arbitral tribunal shall consist of three members. Each of the parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the President of the tribunal. The latter shall not be a national of one of the parties to the dispute, nor have his or her usual place of residence in the territory of one of these parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

2. In disputes between more than two parties, parties in the same interest shall appoint one arbitrator jointly by agreement.

3. Any vacancy shall be filled in the manner prescribed for the initial appointment.

Article 3

1. If the President of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a party, designate the President within a further two-month period.

2. If one of the parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other party may inform the Secretary-General who shall make the designation within a further two-month period.

Article 4

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

Article 5

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

Article 6

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

Article 7

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

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

Article 12

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

Article 13

If one of the parties to the dispute does not appear before the arbitral tribunal or fails to defend its case, the other party may request the tribunal to continue the proceedings and to make its award. Absence of a party or a failure of a party to defend its case shall not constitute a bar to the proceedings. Before rendering its final decision, the arbitral tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

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

Article 15

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

Article 16

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

Article 17

Any controversy which may arise between the parties to the dispute as regards the interpretation or manner of implementation of the final decision may be submitted by either party for decision to the arbitral tribunal which rendered it.

Part 2

CONCILIATION

Article 1

A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement. Where two or more parties have separate interests or there is a disagreement as to whether they are of the same interest, they shall appoint their members separately.

Article 3

If any appointments by the parties are not made within two months of the date of the request to create a conciliation commission, the Secretary-General of the United Nations shall, if asked to do so by the party that made the request, make those appointments within a further two-month period.

Article 4

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

Article 5

The conciliation commission shall take its decisions by majority vote of its members. It shall, unless the parties to the dispute otherwise agree, determine its own procedure. It shall render a proposal for resolution of the dispute, which the parties shall consider in good faith.

Article 6

A disagreement as to whether the conciliation commission has competence shall be decided by the commission.

**UNITED NATIONS FRAMEWORK CONVENTION
ON CLIMATE CHANGE**

UNITED NATIONS

1992

FCCC/INFORMAL/84

GE.05-62220 (E) 200705

**UNITED NATIONS FRAMEWORK CONVENTION
ON CLIMATE CHANGE**

The Parties to this Convention,

Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,

Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

Aware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases,

Noting that there are many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof,

Acknowledging that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

Recalling also that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility

to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming the principle of sovereignty of States in international cooperation to address climate change,

Recognising 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,

Recognising 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,

Recognising that various actions to address climate change can be justified economically in their own right and can also help in solving other environmental problems,

Recognising 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**,

Recognising 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**,

Recognising 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**,

Recognising that all countries, especially developing countries, **need access to resources required to achieve sustainable social and economic development and that, in order for developing countries to progress towards that goal, their energy consumption will need to grow taking into account the possibilities for achieving greater energy efficiency and for controlling greenhouse gas emissions in general, including through the application of new technologies on terms which make such an application economically and socially beneficial**,

Determined to protect the climate system for present and future generations,
Have agreed as follows:

Article 1 DEFINITIONS*

For the purposes of this Convention:

1. "Adverse effects of climate change" means changes in the **physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare**.
2. "Climate change" means a change of climate which is attributed directly or indirectly to **human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods**.
3. "Climate system" means **the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions**.

4. "Emissions" means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.

5. "Greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

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

* Titles of articles are included solely to assist the reader.

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; - 6 -
- (f) Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;
- (g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to reduce or eliminate the remaining uncertainties regarding the causes, effects, magnitude and timing of climate change and the economic and social consequences of various response strategies;
- (h) Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;
- (i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations; and
- (j) Communicate to the Conference of the Parties information related to implementation, in accordance with Article 12.

2. The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following:

- (a) Each of these Parties shall adopt national policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification, and taking into

account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;

1. This includes policies and measures adopted by regional economic integration organizations.

- (b) In order to promote progress to this end, each of these Parties shall communicate, within six months of the entry into force of the Convention for it and periodically thereafter, and in accordance with Article 12, detailed information on its policies and measures referred to in subparagraph (a) above, as well as on its resulting projected anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol for the period referred to in subparagraph (a), with the aim of returning individually or jointly to their 1990 levels these anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;
- (c) Calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change. The Conference of the Parties shall consider and agree on methodologies for these calculations at its first session and review them regularly thereafter;
- (d) The Conference of the Parties shall, at its first session, review the adequacy of subparagraphs (a) and (b) above. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The Conference of the Parties, at its first session, shall also take decisions regarding criteria for joint implementation as indicated in subparagraph (a) above. A second review of subparagraphs (a) and (b) shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met;
- (e) Each of these Parties shall:
 - (i) coordinate as appropriate with other such Parties, relevant

- economic and administrative instruments developed to achieve the objective of the Convention; and
- (ii) identify and periodically review its own policies and practices which encourage activities that lead to greater levels of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol than would otherwise occur;
 - (f) The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions regarding such amendments to the lists in Annexes I and II as may be appropriate, with the approval of the Party concerned;
 - (g) Any Party not included in Annex I may, in its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a) and (b) above. The Depositary shall inform the other signatories and Parties of any such notification.

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

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

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

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

7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation

by developed country Parties of their commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

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

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

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

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

Article 5 RESEARCH AND SYSTEMATIC OBSERVATION

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

- (a) Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort;

- (b) Support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in developing countries, and to promote access to, and the exchange of, data and analyses thereof obtained from areas beyond national jurisdiction; and
- (c) Take into account the particular concerns and needs of developing countries and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.

Article 6

EDUCATION, TRAINING AND PUBLIC AWARENESS

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

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

Article 7

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.
2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:
 - (a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;
 - (b) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account

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

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

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

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

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

Article 8 SECRETARIAT

1. A secretariat is hereby established.
2. The functions of the secretariat shall be:
 - (a) To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;
 - (b) To compile and transmit reports submitted to it;
 - (c) To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;
 - (d) To prepare reports on its activities and present them to the Conference of the Parties;
 - (e) To ensure the necessary coordination with the secretariats of other relevant international bodies;
 - (f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and
 - (g) To perform the other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.
3. The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

Article 9
**SUBSIDIARY BODY FOR SCIENTIFIC AND
TECHNOLOGICAL ADVICE**

1. A subsidiary body for scientific and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely information and advice on scientific and technological matters relating to the Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, and drawing upon existing competent international bodies, this body shall:

- (a) Provide assessments of the state of scientific knowledge relating to climate change and its effects;
- (b) Prepare scientific assessments on the effects of measures taken in the implementation of the Convention;
- (c) Identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies;
- (d) Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity-building in developing countries; and
- (e) Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions and terms of reference of this body may be further elaborated by the Conference of the Parties.

Article 10
SUBSIDIARY BODY FOR IMPLEMENTATION

1. A subsidiary body for implementation is hereby established to assist the Conference of the Parties in the assessment and review of the effective implementation of the Convention. This body shall be open to participation by all Parties and comprise government representatives who are experts on matters related to climate change. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, this body shall:

- (a) Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change;
- (b) Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2 (d); and

- (c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

Article 11 FINANCIAL MECHANISM

1. A mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, is hereby defined. It shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention. Its operation shall be entrusted to one or more existing international entities.

2. The financial mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.

3. The Conference of the Parties and the entity or entities entrusted with the operation of the financial mechanism shall agree upon arrangements to give effect to the above paragraphs, which shall include the following:

- (a) Modalities to ensure that the funded projects to address climate change are in conformity with the policies, programme priorities and eligibility criteria established by the Conference of the Parties;
- (b) Modalities by which a particular funding decision may be reconsidered in light of these policies, programme priorities and eligibility criteria;
- (c) Provision by the entity or entities of regular reports to the Conference of the Parties on its funding operations, which is consistent with the requirement for accountability set out in paragraph 1 above; and
- (d) Determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.

4. The Conference of the Parties shall make arrangements to implement the above-mentioned provisions at its first session, reviewing and taking into account the interim arrangements referred to in Article 21, paragraph 3, and shall decide whether these interim arrangements shall be maintained. Within four years thereafter, the Conference of the Parties shall review the financial mechanism and take appropriate measures.

5. The developed country Parties may also provide and developing country Parties avail themselves of, financial resources related to the implementation of the Convention through bilateral, regional and other multilateral channels.

Article 12 COMMUNICATION OF INFORMATION RELATED TO IMPLEMENTATION

1. In accordance with Article 4, paragraph 1, each Party shall communicate to the Conference of the Parties, through the secretariat, the following elements of information:

- (a) A national inventory of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, to the extent its capacities permit, using comparable methodologies to be promoted and agreed upon by the Conference of the Parties;

- (b) A general description of steps taken or envisaged by the Party to implement the Convention; and
 - (c) Any other information that the Party considers relevant to the achievement of the objective of the Convention and suitable for inclusion in its communication, including, if feasible, material relevant for calculations of global emission trends.
- 2. Each developed country Party and each other Party included in Annex I shall incorporate in its communication the following elements of information:
 - (a) A detailed description of the policies and measures that it has adopted to implement its commitment under Article 4, paragraphs 2 (a) and 2 (b); and
 - (b) A specific estimate of the effects that the policies and measures referred to in subparagraph (a) immediately above will have on anthropogenic emissions by its sources and removals by its sinks of greenhouse gases during the period referred to in Article 4, paragraph 2 (a).
- 3. In addition, each developed country Party and each other developed Party included in Annex II shall incorporate details of measures taken in accordance with Article 4, paragraphs 3, 4 and 5.
- 4. Developing country Parties may, on a voluntary basis, propose projects for financing, including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects, along with, if possible, an estimate of all incremental costs, of the reductions of emissions and increments of removals of greenhouse gases, as well as an estimate of the consequent benefits.
- 5. Each developed country Party and each other Party included in Annex I shall make its initial communication within six months of the entry into force of the Convention for that Party. Each Party not so listed shall make its initial communication within three years of the entry into force of the Convention for that Party, or of the availability of financial resources in accordance with Article 4, paragraph 3. Parties that are least developed countries may make their initial communication at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.
- 6. Information communicated by Parties under this Article shall be transmitted by the secretariat as soon as possible to the Conference of the Parties and to any subsidiary bodies concerned. If necessary, the procedures for the communication of information may be further considered by the Conference of the Parties.
- 7. From its first session, the Conference of the Parties shall arrange for the provision to developing country Parties of technical and financial support, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4. Such support may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.
- 8. Any group of Parties may, subject to guidelines adopted by the Conference of the Parties, and to prior notification to the Conference of the Parties, make a joint communication in fulfilment of their obligations under this Article, provided that such a communication includes information on the fulfilment by each of these Parties of its individual obligations under the Convention.

9. Information received by the secretariat that is designated by a Party as confidential, in accordance with criteria to be established by the Conference of the Parties, shall be aggregated by the secretariat to protect its confidentiality before being made available to any of the bodies involved in the communication and review of information.

10. Subject to paragraph 9 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.

Article 13 RESOLUTION OF QUESTIONS REGARDING IMPLEMENTATION

The Conference of the Parties shall, at its first session, consider the establishment of a multilateral consultative process, available to Parties on their request, for the resolution of questions regarding the implementation of the Convention.

Article 14 SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) Submission of the dispute to the International Court of Justice; and/or
- (b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree.

5. Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.

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

7. Additional procedures relating to conciliation shall be adopted by the Conference of the Parties, as soon as practicable, in an annex on conciliation.

8. The provisions of this Article shall apply to any related legal instrument which the Conference of the Parties may adopt, unless the instrument provides otherwise.

Article 15 **AMENDMENTS TO THE CONVENTION**

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Convention and, for information, to the Depositary.

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

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

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

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

Article 16 **ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION**

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

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

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

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

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

Article 17 PROTOCOLS

1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.

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

3. The requirements for the entry into force of any protocol shall be established by that instrument.

4. Only Parties to the Convention may be Parties to a protocol.

5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned.

Article 18 RIGHT TO VOTE

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

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

Article 19 DEPOSITARY

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

Article 20
SIGNATURE

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

Article 21
INTERIM ARRANGEMENTS

1. The secretariat functions referred to in Article 8 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 45/212 of 21 December 1990, until the completion of the first session of the Conference of the Parties.

2. The head of the interim secretariat referred to in paragraph 1 above will cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the need for objective scientific and technical advice. Other relevant scientific bodies could also be consulted.

3. The Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the international entity entrusted with the operation of the financial mechanism referred to in Article 11 on an interim basis. In this connection, the Global Environment Facility should be appropriately restructured and its membership made universal to enable it to fulfil the requirements of Article 11.

Article 22
RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

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

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

Article 23
ENTRY INTO FORCE

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

2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

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

Article 24
RESERVATIONS

No reservations may be made to the Convention.

Article 25
WITHDRAWAL

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

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

3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

Article 26
AUTHENTIC TEXTS

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

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

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

Annex I

Australia
Austria
Belarus
Belgium
Bulgaria
Canada
Croatia*
Czech Republic *
Denmark
European Economic Community
Estonia
Finland
France
Germany
Greece
Hungary
Iceland
Ireland
Italy
Japan
Latvia
Liechtenstein*
Lithuania
Luxembourg
Monaco*
Netherlands
New Zealand
Norway
Poland
Portugal
Romania
Russian Federation
Slovakia *
Slovenia *
Spain
Sweden
Switzerland
Turkey
Ukraine
United Kingdom of Great Britain and Northern Ireland
United States of America

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

* Countries added to Annex I by an amendment that entered into force on 13th August, 1998, pursuant to decision 4/CP.3 adopted at COP.3.

Annex II

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

* Turkey was deleted from Annex II by an amendment that entered into force on 28th June, 2002, pursuant to decision 26/CP.7 adopted at COP.7.

BASEL CONVENTION ON THE CONTROL OF TRANSBOUNDARY MOVEMENTS OF HAZARDOUS WASTES AND THEIR DISPOSAL

PREAMBLE²

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

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

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

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

Considering that enhanced control of transboundary 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,

Recognising 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,

Recognising 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,

Recognising 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° 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 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 sixty (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 1 of Article 6 of the Convention shall apply mutatis mutandis to transboundary movement of hazardous wastes or other wastes from a Party through a State or States which are not Parties.

ARTICLE 8

Duty to Re-import

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

ARTICLE 9

Illegal Traffic

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

- (a) without notification pursuant to the provisions of this Convention to all States concerned; or
- (b) without the consent pursuant to the provisions of this Convention of a State concerned; or
- (c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or
- (d) that does not conform in a material way with the documents; or
- (e) that results in deliberate disposal (e. g. dumping) of hazardous wastes or other wastes in contravention of this Convention and of general principles of international law, shall be deemed to be illegal traffic.

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

- (a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,
- (b) are otherwise disposed of in accordance with the provisions of this Convention, within thirty (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 thirty (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 co-operate in order to assist developing countries in the implementation of subparagraphs a, b, c and d of paragraph 2 of Article 4.

4. Taking into account the needs of developing countries, co-operation between Parties and the competent international organizations is encouraged to promote, inter alia, public awareness, the development of sound management of hazardous wastes and other wastes and the adoption of new low-waste technologies.

ARTICLE 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 subregions, regional or sub-regional centres for training and technology transfers regarding the management of hazardous wastes and other wastes and the minimization of their generation should be established. The Parties shall decide on the establishment of appropriate funding mechanisms of a voluntary nature.

2. The Parties shall consider the establishment of a revolving fund to assist on an interim basis in case of emergency situations to minimize damage from accidents arising from transboundary movements of hazardous wastes and other wastes or during the disposal of those wastes.

ARTICLE 15

Conference of the Parties

1. A Conference of the Parties is hereby established. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP not later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference at its first meeting.

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

3. The Conference of the Parties shall by consensus agree upon and adopt rules of procedure for itself and for any subsidiary body it may establish, as well as financial rules to determine in particular the financial participation of the Parties under this Convention.

4. The Parties at their first meeting shall consider any additional measures needed to assist them in fulfilling their responsibilities with respect to the protection and the preservation of the marine environment in the context of this Convention.

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

- (a) Promote the harmonization of appropriate policies, strategies and measures for minimizing harm to human health and the environment by hazardous wastes and other wastes;
- (b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, inter alia, available scientific, technical, economic and environmental information;
- (c) Consider and undertake any additional action that may be required for the achievement of the purposes of this Convention in the light of experience gained in its operation and in the operation of the agreements and arrangements envisaged in Article 11;
- (d) Consider and adopt protocols as required; and
- (e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention.

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 function;
- (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 them or by at least two thirds of the Parties to the protocol concerned who accepted them, 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 the amendment to this Convention or to the protocol enters into force.

ARTICLE 19

Verification

Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Convention may inform the Secretariat thereof, and in such an event, shall simultaneously and immediately inform, directly or through the Secretariat, the Party against whom the allegations are made. All relevant information should be submitted by the Secretariat to the Parties.

ARTICLE 20

Settlement of Disputes

1. In case of a dispute between Parties as to the interpretation or application of, or compliance with, this Convention or any protocol thereto, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute, if the Parties to the dispute agree, shall be submitted to the International Court of Justice or to arbitration under the conditions set out in Annex VI on Arbitration. However, failure to reach common agreement on submission of the dispute to the International Court of Justice or to arbitration shall not absolve the Parties from the responsibility of continuing to seek to resolve it by the means referred to in paragraph 1.

3. When ratifying, accepting, approving, formally confirming or acceding to this Convention, or at any time thereafter, a State or political and/or economic integration organization may declare that it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

- (a) submission of the dispute to the International Court of Justice; and/or
 - (b) arbitration in accordance with the procedures set out in Annex VI.
- Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties.

ARTICLE 21

Signature

This Convention shall be open for signature by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations, in Basel on 22 March 1989, at the Federal Department of Foreign Affairs of Switzerland in Berne from 23 March 1989 to 30 June 1989 and at United Nations Headquarters in New York from 1 July 1989 to 22 March 1990.

ARTICLE 22

Ratification, Acceptance, Formal Confirmation or Approval

1. This Convention shall be subject to ratification, acceptance or approval by States and by Namibia, represented by the United Nations Council for Namibia, and to formal confirmation or approval by political and/or economic integration organizations. Instruments of ratification, acceptance, formal confirmation, or approval shall be deposited with the Depositary.

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

3. In their instruments of formal confirmation or approval, the organizations referred to in paragraph 1 above shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who will inform the Parties of any substantial modification in the extent of their competence.

ARTICLE 23

Accession

1. This Convention shall be open for accession by States, by Namibia, represented by the United Nations Council for Namibia, and by political and/or economic integration organizations from the day after the date on which the Convention is closed for signature. The instruments of accession shall be deposited with the Depositary.

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

3. The provisions of Article 22, paragraph 2, shall apply to political and/or economic integration organizations which accede to this Convention.

ARTICLE 24

Right to Vote

1. Except as provided for in paragraph 2 below, each Contracting Party to this Convention shall have one vote.

2. Political and/or economic integration organizations, in matters within their competence, in accordance with Article 22, paragraph 3, and Article 23, paragraph 2, shall exercise their right to vote with a number of votes equal to the number of their member States which are Parties to the Convention or the relevant protocol. Such organizations shall not exercise their right to vote if their member States exercise theirs, and vice versa.

ARTICLE 25
Entry into Force

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

2. For each State or political and/or economic integration organization which ratifies, accepts, approves or formally confirms this Convention or accedes thereto after the date of the deposit of the twentieth instrument of ratification, acceptance, approval, formal confirmation or accession, it shall enter into force on the ninetieth day after the date of deposit by such State or political and/or economic integration organization of its instrument of ratification, acceptance, approval, formal confirmation or accession.

3. For the purpose of paragraphs 1 and 2 above, any instrument deposited by a political and/or economic integration organization shall not be counted as additional to those deposited by member States of such organization.

ARTICLE 26
Reservations and Declarations

1. No reservation or exception may be made to this Convention.

2. Paragraph 1 of this Article does not preclude a State or political and/or economic integration organization, when signing, ratifying, accepting, approving, formally confirming or acceding to this Convention, from making declarations or statements, however phrased or named, with a view, inter alia, to the harmonization of its laws and regulations with the provisions of this Convention, provided that such declarations or statements do not purport to exclude or to modify the legal effects of the provisions of the Convention in their application to that State.

ARTICLE 27
Withdrawal

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

2. Withdrawal shall be effective one year from receipt of notification by the Depositary, or on such later date as may be specified in the notification.

ARTICLE 28
Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention and of any protocol thereto.

ARTICLE 29
Authentic texts

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

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

Done at Basel on this 22 day of March, 1989.

ANNEX I

CATEGORIES OF WASTES TO BE CONTROLLED

Waste Streams

- | | |
|-----|--|
| Y1 | Clinical wastes from medical care in hospitals, medical centers and clinics |
| Y2 | Wastes from the production and preparation of pharmaceutical products |
| Y3 | Waste pharmaceuticals, drugs and medicines |
| Y4 | Wastes from the production, formulation and use of biocides and phytopharmaceuticals |
| Y5 | Wastes from the manufacture, formulation and use of wood preserving chemicals |
| Y6 | Wastes from the production, formulation and use of organic solvents |
| Y7 | Wastes from heat treatment and tempering operations containing cyanides |
| Y8 | Waste mineral oils unfit for their originally intended use |
| Y9 | Waste oils/water, hydrocarbons/water mixtures, emulsions |
| Y10 | Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs) |
| Y11 | Waste tarry residues arising from refining, distillation and any pyrolytic treatment |
| Y12 | Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnish |
| Y13 | Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives |
| Y14 | Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known |
| Y15 | Wastes of an explosive nature not subject to other legislation |
| Y16 | Wastes from production, formulation and use of photographic chemicals and processing materials |

- Y17 Wastes resulting from surface treatment of metals and plastics
Y18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

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

- (a) To facilitate the application of this Convention, and subject to paragraphs (b), (c) and (d), wastes listed in Annex VIII are characterized 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, characterization of such a waste as hazardous pursuant to Article 1, paragraph 1 (a), of this Convention if it contains Annex I material 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 characterization of wastes.

ANNEX II

CATEGORIES OF WASTES REQUIRING SPECIAL CONSIDERATION

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

ANNEX III

LIST OF HAZARDOUS CHARACTERISTICS

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°C, closed-cup test, or not more than 65.6°C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such differences would be within the spirit of this definition.)
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	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,

- 9 H11 are liable to give off toxic gases in dangerous quantities.
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 characterise potential hazards posed to man and/or the environment by these wastes. Standardized tests have been derived with respect to pure substances and materials. Many countries have developed national tests which can be applied to materials listed in Annex I, in order to decide if these materials exhibit any of the characteristics listed in this Annex.

ANNEX IV DISPOSAL OPERATIONS

A. Operations which do not lead to the possibility of resource recovery, 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, neutralization, precipitation, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (e.g., emplacement of containers in a mine, etc.)
- D13 Blending or mixing prior to submission to any of the operations in 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 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 waste is generated 7/
17. For wastes listed in Annex I, classifications from Annex III: 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 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 of the Parties, recommend essential interim measures of protection.

3. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

4. The absence or default of a Party in the dispute shall not constitute an impediment to the proceedings.

Article 7

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

Article 8

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

Article 9

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

Article 10

1. The tribunal shall render its award within five months of the date on which it is established unless it finds it necessary to extend the time-limit for a period which should not exceed five months.

2. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.

3. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by either Party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another tribunal constituted for this purpose in the same manner as the first.

ANNEX VII
[not yet entered into force]⁶

ANNEX VIII LIST A

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 Pelectrolytic 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)
A1190	Waste metal cables coated or insulated with plastics containing or contaminated with coal tar, PCB, lead, cadmium, other organohalogen compounds or other Annex I constituents to an extent that they exhibit Annex III characteristics.

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 B3090)
- 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, vinyliden 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
- A3200 Bituminous material (asphalt waste) from road construction and maintenance, containing tar (note the related entry on list B, B2130)

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, outdated, 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-p-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 outdated 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 LIST B

Wastes contained in the 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
- Chromium 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

B1031 Molybdenum, tungsten, titanium, tantalum, niobium and rhenium metal and metal alloy wastes in metallic dispersible form (metal powder), excluding

- such wastes as specified in list A under entry A1050, Galvanic sludges
- 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
- 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 reuse, and not for recycling or final disposal

B1115 Waste metal cables coated or insulated with plastics, not included in list A A1190, excluding those destined for Annex IVA operations or any other disposal operations involving, at any stage, uncontrolled thermal processes, such as open-burning.

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

Transition metals, excluding waste catalysts (spent catalysts, liquid used catalysts or other catalysts) on list A:	Scandium Vanadium Manganese Cobalt Copper Yttrium Niobium Hafnium Tungsten	Titanium Chromium Iron Nickel Zinc Zirconium Molybdenum Tantalum Rhenium
Lanthanides (rare earth metals):	Lanthanum Praseodymium Samarium Gadolinium Dysprosium Erbium Ytterbium	Cerium Neodymium Europium Terbium Holmium Thulium 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 labelling

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

B1250 Waste end-of-life motor vehicles, containing neither liquids nor other hazardous components

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 not containing any Annex I constituents to an extent they exhibit Annex III characteristics, for example, 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)
- B2130 Bituminous material (asphalt waste) from road construction and maintenance, not containing tar (note the related entry on list A, A3200)

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)
 - perfluoro alkoxy alkane
 - tetrafluoroethylene/per fluoro vinyl ether (PFA)
 - tetrafluoroethylene/per fluoro methylvinyl ether (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

B3035 Waste textile floor coverings, carpets

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 by products 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

B3065 Waste edible fats and oils of animal or vegetable origin (e.g. frying oils), provided they do not exhibit an Annex III characteristic

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 Fellmongery 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 IVA 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

UNITED
NATIONS A
General Assembly Distr
GENERAL
A/AC.241/27
12 September 1994
ENGLISH

Original: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR
THE ELABORATION OF AN INTERNATIONAL CONVENTION
TO COMBAT DESERTIFICATION IN THOSE COUNTRIES
EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA
ELABORATION OF AN INTERNATIONAL CONVENTION TO COMBAT
DESERTIFICATION
IN COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION,
PARTICULARLY IN AFRICA

Final text of the Convention
Note by the Secretariat

Attached is the **final text** of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, following completion of the verification processes as requested by the INCD upon adoption of the Convention at its fifth session, on 17 June 1994.

The final text has been forwarded to the Office of Legal Affairs of the United Nations, which acts as Depositary, in order to prepare for the signing ceremony to be held in Paris, on 14-15 October 1994.

GE.94-64371

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UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION
IN THOSE COUNTRIES EXPERIENCING SERIOUS DROUGHT AND/OR
DESERTIFICATION, PARTICULARLY IN AFRICA

The Parties to this Convention,

Affirming that human beings in affected or threatened areas are at the centre of concerns to combat desertification and mitigate the effects of drought, Reflecting the urgent concern of the international community, including States and international organizations, about the adverse impacts of desertification and drought, Aware that arid, semi-arid and dry sub-humid areas together account for a significant proportion of the Earth's land area and are the habitat and source of livelihood for a large segment of its population,

Acknowledging that desertification and drought are problems of global dimension in that they affect all regions of the world and that joint action of the international community is needed to combat desertification and/or mitigate the effects of drought,

Noting the high concentration of developing countries, notably the least developed countries, among those experiencing serious drought and/or desertification, and the particularly tragic consequences of these phenomena in Africa,

Noting also that desertification is caused by complex interactions among physical, biological, political, social, cultural and economic factors,

Considering the impact of trade and relevant aspects of international economic relations on the ability of affected countries to combat desertification adequately,

Conscious that sustainable economic growth, social development and poverty eradication are priorities of affected developing countries, particularly in Africa, and are essential to meeting sustainability objectives,

Mindful that desertification and drought affect sustainable development through their interrelationships with important social problems such as poverty, poor health and nutrition, lack of food security, and those arising from migration, displacement of persons and demographic dynamics,

Appreciating the significance of the past efforts and experience of States and international organizations in combating desertification and mitigating the effects of drought, particularly in implementing the Plan of Action to Combat Desertification which was adopted at the United Nations Conference on Desertification in 1977,

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Realizing that, despite efforts in the past, progress in combating desertification and mitigating the effects of drought has not met expectations and that a new and more effective approach is needed at all levels within the framework of sustainable development,

Recognizing the validity and relevance of decisions adopted at the United Nations Conference on Environment and Development, particularly of Agenda 21 and its chapter 12, which provide a basis for combating desertification,

Reaffirming in this light the commitments of developed countries as contained in paragraph 13 of chapter 33 of Agenda 21,

Recalling General Assembly resolution 47/188, particularly the priority in it prescribed for Africa, and all other relevant United Nations resolutions, decisions and programmes on desertification and drought, as well as relevant declarations by African countries and those from other regions,

Reaffirming the Rio Declaration on Environment and Development which states, in its Principle 2, that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to

the environment of other States or of areas beyond the limits of national jurisdiction, Recognizing that national Governments play a critical role in combating desertification and mitigating the effects of drought and that progress in that respect depends on local implementation of action programmes in affected areas,

Recognizing also the importance and necessity of international cooperation and partnership in combating desertification and mitigating the effects of drought,

Recognizing further the importance of the provision to affected developing countries, particularly in Africa, of effective means, inter alia substantial financial resources, including new and additional funding, and access to technology, without which it will be difficult for them to implement fully their commitments under this Convention,

Expressing concern over the impact of desertification and drought on affected countries in Central Asia and the Transcaucasus,

Stressing the important role played by women in regions affected by desertification and/or drought, particularly in rural areas of developing countries, and the importance of ensuring the full participation of both men and women at all levels in programmes to combat desertification and mitigate the effects of drought,

Emphasizing the special role of non-governmental organizations and other major groups in programmes to combat desertification and mitigate the effects of drought,

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Bearing in mind the relationship between desertification and other environmental problems of global dimension facing the international and national communities,

Bearing also in mind the contribution that combating desertification can make to achieving the objectives of the United Nations Framework Convention on Climate Change, the Convention on Biological Diversity and other related environmental conventions,

Believing that strategies to combat desertification and mitigate the effects of drought will be most effective if they are based on sound systematic observation and rigorous scientific knowledge and if they are continuously reevaluated,

Recognizing the urgent need to improve the effectiveness and coordination of international cooperation to facilitate the implementation of national plans and priorities,

Determined to take appropriate action in combating desertification and mitigating the effects of drought for the benefit of present and future generations,

Have agreed as follows:

PART I
INTRODUCTION
Article 1

Use of terms

For the purposes of this Convention:

- (a) “desertification” means land degradation in arid, semi-arid and dry sub-humid areas resulting from various factors, including climatic variations and human activities;
- (b) “combating desertification” includes activities which are part of the integrated development of land in arid, semi-arid and dry sub-humid areas for sustainable development which are aimed at:
 - (i) prevention and/or reduction of land degradation;
 - (ii) rehabilitation of partly degraded land; and
 - (iii) reclamation of desertified land;

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- (c) “drought” means the naturally occurring phenomenon that exists when precipitation has been significantly below normal recorded levels, causing serious hydrological imbalances that adversely affect land resource production systems;
- (d) “mitigating the effects of drought” means activities related to the prediction of drought and intended to reduce the vulnerability of society and natural systems to drought as it relates to combating desertification;
- (e) “land” means the terrestrial bio-productive system that comprises soil, vegetation, other biota, and the ecological and hydrological processes that operate within the system;
- (f) “land degradation” means reduction or loss, in arid, semi-arid and dry sub-humid areas, of the biological or economic productivity and complexity of rainfed cropland, irrigated cropland, or range, pasture, forest and woodlands resulting from land uses or from a process or combination of processes, including processes arising from human activities and habitation patterns, such as:
 - (i) soil erosion caused by wind and/or water;
 - (ii) deterioration of the physical, chemical and biological or economic properties of soil; and
 - (iii) long-term loss of natural vegetation;
- (g) “arid, semi-arid and dry sub-humid areas” means areas, other than polar and sub-polar regions, in which the ratio of annual precipitation to potential evapotranspiration falls within the range from 0.05 to 0.65;
- (h) “affected areas” means arid, semi-arid and/or dry sub-humid areas affected or threatened by desertification;
- (i) “affected countries” means countries whose lands include, in whole or in part, affected areas;
- (j) “regional economic integration organization” means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention and has been duly authorized, in accordance with

its internal procedures, to sign, ratify, accept, approve or accede to this Convention;
(k) “developed country Parties” means developed country Parties and regional economic integration organizations constituted by developed countries.

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Article 2

Objective

1. The objective of this Convention is to combat desertification and mitigate the effects of drought in countries experiencing serious drought and/or desertification, particularly in Africa, through effective action at all levels, supported by international cooperation and partnership arrangements, in the framework of an integrated approach which is consistent with Agenda 21, with a view to contributing to the achievement of sustainable development in affected areas.

2. Achieving this objective will involve long-term integrated strategies that focus simultaneously, in affected areas, on improved productivity of land, and the rehabilitation, conservation and sustainable management of land and water resources, leading to improved living conditions, in particular at the community level.

Article 3

Principles

In order to achieve the objective of this Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

- (a) the Parties should ensure that decisions on the design and implementation of programmes to combat desertification and/or mitigate the effects of drought are taken with the participation of populations and local communities and that an enabling environment is created at higher levels to facilitate action at national and local levels;
- (b) the Parties should, in a spirit of international solidarity and partnership, improve cooperation and coordination at subregional, regional and international levels, and better focus financial, human, organizational and technical resources where they are needed;
- (c) the Parties should develop, in a spirit of partnership, cooperation among all levels of government, communities, non-governmental organizations and landholders to establish a better understanding of the nature and value of land and scarce water resources in affected areas and to work towards their sustainable use; and
- (d) the Parties should take into full consideration the special needs and circumstances of affected developing country Parties, particularly the least developed among them.

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PART II GENERAL PROVISIONS

Article 4

General obligations

1. The Parties shall implement their obligations under this Convention, individually or jointly, either through existing or prospective bilateral and multilateral arrangements or a combination thereof, as appropriate, emphasizing the need to coordinate efforts and develop a coherent long-term strategy at all levels.

2. In pursuing the objective of this Convention, the Parties shall:

- (a) adopt an integrated approach addressing the physical, biological and socio-economic aspects of the processes of desertification and drought;
- (b) give due attention, within the relevant international and regional bodies, to the situation of affected developing country Parties with regard to international trade, marketing arrangements and debt with a view to establishing and enabling international economic environment conducive to the promotion of sustainable development;
- (c) integrate strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought;
- (d) promote cooperation among affected country Parties in the fields of environmental protection and the conservation of land and water resources, as they relate to desertification and drought;
- (e) strengthen subregional, regional and international cooperation;
- (f) cooperate within relevant intergovernmental organizations;
- (g) determine institutional mechanisms, if appropriate, keeping in mind the need to avoid duplication; and
- (h) promote the use of existing bilateral and multilateral financial mechanisms and arrangements that mobilize and channel substantial financial resources to affected developing country Parties in combating desertification and mitigating the effects of drought.

3. Affected developing country Parties are eligible for assistance in the implementation of the Convention.

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Article 5

Obligations of affected country Parties

In addition to their obligations pursuant to article 4, affected country Parties undertake to:

- (a) give due priority to combating desertification and mitigating the effects of drought, and allocate adequate resources in accordance with their circumstances and capabilities;
- (b) establish strategies and priorities, within the framework of sustainable development plans and/or policies, to combat desertification and mitigate the effects of drought;
- (c) address the underlying causes of desertification and pay special attention to the socio-economic factors contributing to desertification processes;

- (d) promote awareness and facilitate the participation of local populations, particularly women and youth, with the support of nongovernmental organizations, in efforts to combat desertification and mitigate the effects of drought; and
- (e) provide an enabling environment by strengthening, as appropriate, relevant existing legislation and, where they do not exist, enacting new laws and establishing long-term policies and action programmes.

Article 6

Obligations of developed country Parties

In addition to their general obligations pursuant to article 4, developed country Parties undertake to:

- (a) actively support, as agreed, individually or jointly, the efforts of affected developing country Parties, particularly those in Africa, and the least developed countries, to combat desertification and mitigate the effects of drought;
- (b) provide substantial financial resources and other forms of support to assist affected developing country Parties, particularly those in Africa, effectively to develop and implement their own long-term plans and strategies to combat desertification and mitigate the effects of drought;
- (c) promote the mobilization of new and additional funding pursuant to article 20, paragraph 2 (b);
- (d) encourage the mobilization of funding from the private sector and other non-governmental sources; and

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- (e) promote and facilitate access by affected country Parties, particularly affected developing country Parties, to appropriate technology, knowledge and know-how.

Article 7

Priority for Africa

In implementing this Convention, the Parties shall give priority to affected African country Parties, in the light of the particular situation prevailing in that region, while not neglecting affected developing country Parties in other regions.

Article 8

Relationship with other conventions

1. The Parties shall encourage the coordination of activities carried out under this Convention and, if they are Parties to them, under other relevant international agreements, particularly the United Nations Framework Convention on Climate Change and the Convention on Biological Diversity, in order to derive maximum benefit from activities under each agreement while avoiding duplication of effort. The Parties shall encourage the conduct of joint programmes, particularly in the fields of research, training, systematic observation and information collection and exchange,

to the extent that such activities may contribute to achieving the objectives of the agreements concerned.

2. The provisions of this Convention shall not affect the rights and obligations of any Party deriving from a bilateral, regional or international agreement into which it has entered prior to the entry into force of this Convention for it.

PART III
ACTION PROGRAMMES, SCIENTIFIC AND TECHNICAL COOPERATION
AND SUPPORTING MEASURES
Section 1: Action programmes

Article 9

Basic approach

1. In carrying out their obligations pursuant to article 5, affected developing country Parties and any other affected country Party in the framework of its regional implementation annex or, otherwise, that has notified the Permanent Secretariat in writing of its intention to prepare a national action

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programme, shall, as appropriate, prepare, make public and implement national action programmes, utilizing and building, to the extent possible, on existing relevant successful plans and programmes, and subregional and regional action programmes, as the central element of the strategy to combat desertification and mitigate the effects of drought. Such programmes shall be updated through a continuing participatory process on the basis of lessons from field action, as well as the results of research. The preparation of national action programmes shall be closely interlinked with other efforts to formulate national policies for sustainable development.

2. In the provision by developed country Parties of different forms of assistance under the terms of article 6, priority shall be given to supporting, as agreed, national, subregional and regional action programmes of affected developing country Parties, particularly those in Africa, either directly or through relevant multilateral organizations or both.

3. The Parties shall encourage organs, funds and programmes of the United Nations system and other relevant intergovernmental organizations, academic institutions, the scientific community and non-governmental organizations in a position to cooperate, in accordance with their mandates and capabilities, to support the elaboration, implementation and follow-up of action programmes.

Article 10

National action programmes

1. The purpose of national action programmes is to identify the factors contributing to desertification and practical measures necessary to combat desertification and mitigate the effects of drought.

2. National action programmes shall specify the respective roles of government, local communities and land users and the resources available and needed. They shall, inter alia:

- (a) incorporate long-term strategies to combat desertification and mitigate the effects of drought, emphasize implementation and be integrated with national policies for sustainable development;
- (b) allow for modifications to be made in response to changing circumstances and be sufficiently flexible at the local level to cope with different socio-economic, biological and geo-physical conditions;
- (c) give particular attention to the implementation of preventive measures for lands that are not yet degraded or which are only slightly degraded;
- (d) enhance national climatological, meteorological and hydrological capabilities and the means to provide for drought early warning;

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- (e) promote policies and strengthen institutional frameworks which develop cooperation and coordination, in a spirit of partnership, between the donor community, governments at all levels, local populations and community groups, and facilitate access by local populations to appropriate information and technology;
- (f) provide for effective participation at the local, national and regional levels of non-governmental organizations and local populations, both women and men, particularly resource users, including farmers and pastoralists and their representative organizations, in policy planning, decision-making, and implementation and review of national action programmes; and
- (g) require regular review of, and progress reports on, their implementation.

3. National action programmes may include, inter alia, some or all of the following measures to prepare for and mitigate the effects of drought:

- (a) establishment and/or strengthening, as appropriate, of early warning systems, including local and national facilities and joint systems at the subregional and regional levels, and mechanisms for assisting environmentally displaced persons;
- (b) strengthening of drought preparedness and management, including drought contingency plans at the local, national, subregional and regional levels, which take into consideration seasonal to interannual climate predictions;
- (c) establishment and/or strengthening, as appropriate, of food security systems, including storage and marketing facilities, particularly in rural areas;
- (d) establishment of alternative livelihood projects that could provide incomes in drought prone areas; and

(e) development of sustainable irrigation programmes for both crops and livestock.

4. Taking into account the circumstances and requirements specific to each affected country Party, national action programmes include, as appropriate, inter alia, measures in some or all of the following priority fields as they relate to combating desertification and mitigating the effects of drought in affected areas and to their populations: promotion of alternative livelihoods and improvement of national economic environments with a view to strengthening programmes aimed at the eradication of poverty and at ensuring food security; demographic dynamics; sustainable management of natural resources; sustainable agricultural practices; development and efficient use of various energy sources; institutional and legal frameworks; strengthening of capabilities for assessment and systematic observation, including hydrological and meteorological services, and capacity building, education and public awareness.

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Article 11

Subregional and regional action programmes

Affected country Parties shall consult and cooperate to prepare, as appropriate, in accordance with relevant regional implementation annexes, subregional and/or regional action programmes to harmonize, complement and increase the efficiency of national programmes. The provisions of article 10 shall apply *mutatis mutandis* to subregional and regional programmes. Such cooperation may include agreed joint programmes for the sustainable management of transboundary natural resources, scientific and technical cooperation, and strengthening of relevant institutions.

Article 12

International cooperation

Affected country Parties, in collaboration with other Parties and the international community, should cooperate to ensure the promotion of an enabling international environment in the implementation of the Convention. Such cooperation should also cover fields of technology transfer as well as scientific research and development, information collection and dissemination and financial resources.

Article 13

Support for the elaboration and implementation of action programmes

1. Measures to support action programmes pursuant to article 9 include, inter alia:

- (a) financial cooperation to provide predictability for action programmes, allowing for necessary long-term planning;
- (b) elaboration and use of cooperation mechanisms which better enable support at the local level, including action through non-governmental organizations, in order to promote the replicability of successful pilot programme activities where relevant,

- (c) increased flexibility in project design, funding and implementation in keeping with the experimental, iterative approach indicated for participatory action at the local community level; and
 - (d) as appropriate, administrative and budgetary procedures that increase the efficiency of cooperation and of support programmes.
2. In providing such support to affected developing country Parties, priority shall be given to African country Parties and to least developed country Parties.

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Article 14

Coordination in the elaboration and implementation of action programmes

1. The Parties shall work closely together, directly and through relevant intergovernmental organizations, in the elaboration and implementation of action programmes.

2. The Parties shall develop operational mechanisms, particularly at the national and field levels, to ensure the fullest possible coordination among developed country Parties, developing country Parties and relevant intergovernmental and non-governmental organizations, in order to avoid duplication, harmonize interventions and approaches, and maximize the impact of assistance. In affected developing country Parties, priority will be given to coordinating activities related to international cooperation in order to maximize the efficient use of resources, to ensure responsive assistance, and to facilitate the implementation of national action programmes and priorities under this Convention.

Article 15

Regional implementation annexes

Elements for incorporation in action programmes shall be selected and adapted to the socio-economic, geographical and climatic factors applicable to affected country Parties or regions, as well as to their level of development. Guidelines for the preparation of action programmes and their exact focus and content for particular subregions and regions are set out in the regional implementation annexes.

Section 2: Scientific and technical cooperation

Article 16

Information collection, analysis and exchange

The Parties agree, according to their respective capabilities, to integrate and coordinate the collection, analysis and exchange of relevant short term and long term data and information to ensure systematic observation of land degradation in affected areas and to understand better and assess the processes and effects of drought and desertification. This would help accomplish, inter alia, early warning and advance planning for periods of adverse climatic variation

in a form suited for practical application by users at all levels, including especially local populations. To this end, they shall, as appropriate:

- (a) facilitate and strengthen the functioning of the global network of institutions and facilities for the collection, analysis and exchange of information, as well as for systematic observation at all levels, which shall, *inter alia*:

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- (i) aim to use compatible standards and systems;
 - (ii) encompass relevant data and stations, including in remote areas;
 - (iii) use and disseminate modern technology for data collection, transmission and assessment on land degradation; and
 - (iv) link national, subregional and regional data and information centres more closely with global information sources;
- (b) ensure that the collection, analysis and exchange of information address the needs of local communities and those of decision makers, with a view to resolving specific problems, and that local communities are involved in these activities;
- (c) support and further develop bilateral and multilateral programmes and projects aimed at defining, conducting, assessing and financing the collection, analysis and exchange of data and information, including, *inter alia*, integrated sets of physical, biological, social and economic indicators;
- (d) make full use of the expertise of competent intergovernmental and non-governmental organizations, particularly to disseminate relevant information and experiences among target groups in different regions;
- (e) give full weight to the collection, analysis and exchange of socioeconomic data, and their integration with physical and biological data;
- (f) exchange and make fully, openly and promptly available information from all publicly available sources relevant to combating desertification and mitigating the effects of drought; and
- (g) subject to their respective national legislation and/or policies, exchange information on local and traditional knowledge, ensuring adequate protection for it and providing appropriate return from the benefits derived from it, on an equitable basis and on mutually agreed terms, to the local populations concerned.

Article 17

Research and development

1. The Parties undertake, according to their respective capabilities, to promote technical and scientific cooperation in the fields of combating desertification and mitigating the effects of drought through appropriate national, subregional, regional and international institutions. To this end, they shall support research activities that:

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- (a) contribute to increased knowledge of the processes leading to desertification and drought and the impact of, and distinction between, causal factors, both natural and human, with a view to combating desertification and mitigating the effects of drought, and achieving improved productivity as well as sustainable use and management of resources;
- (b) respond to well defined objectives, address the specific needs of local populations and lead to the identification and implementation of solutions that improve the living standards of people in affected areas;
- (c) protect, integrate, enhance and validate traditional and local knowledge, know-how and practices, ensuring, subject to their respective national legislation and/or policies, that the owners of that knowledge will directly benefit on an equitable basis and on mutually agreed terms from any commercial utilization of it or from any technological development derived from that knowledge;
- (d) develop and strengthen national, subregional and regional research capabilities in affected developing country Parties, particularly in Africa, including the development of local skills and the strengthening of appropriate capacities, especially in countries with a weak research base, giving particular attention to multidisciplinary and participative socio-economic research;
- (e) take into account, where relevant, the relationship between poverty, migration caused by environmental factors, and desertification;
- (f) promote the conduct of joint research programmes between national, subregional, regional and international research organizations, in both the public and private sectors, for the development of improved, affordable and accessible technologies for sustainable development through effective participation of local populations and communities; and
- (g) enhance the availability of water resources in affected areas, by means of, inter alia, cloud-seeding.

2. Research priorities for particular regions and subregions, reflecting different local conditions, should be included in action programmes. The Conference of the Parties shall review research priorities periodically on the advice of the Committee on Science and Technology.

Article 18

Transfer, acquisition, adaptation and development of technology

1. The Parties undertake, as mutually agreed and in accordance with their respective national legislation and/or policies, to promote, finance and/or facilitate the financing of the transfer, acquisition, adaptation and development of environmentally sound, economically viable and socially acceptable

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Technologies relevant to combating desertification and/or mitigating the effects of drought, with a view to contributing to the achievement of sustainable development in affected areas. Such cooperation shall be conducted bilaterally or multilaterally, as

appropriate, making full use of the expertise of intergovernmental and non-governmental organizations. The Parties shall, in particular:

- (a) fully utilize relevant existing national, subregional, regional and international information systems and clearing-houses for the dissemination of information on available technologies, their sources, their environmental risks and the broad terms under which they may be acquired;
- (b) facilitate access, in particular by affected developing country Parties, on favourable terms, including on concessional and preferential terms, as mutually agreed, taking into account the need to protect intellectual property rights, to technologies most suitable to practical application for specific needs of local populations, paying special attention to the social, cultural, economic and environmental impact of such technology;
- (c) facilitate technology cooperation among affected country Parties through financial assistance or other appropriate means;
- (d) extend technology cooperation with affected developing country Parties, including, where relevant, joint ventures, especially to sectors which foster alternative livelihoods; and
- (e) take appropriate measures to create domestic market conditions and incentives, fiscal or otherwise, conducive to the development, transfer, acquisition and adaptation of suitable technology, knowledge, know-how and practices, including measures to ensure adequate and effective protection of intellectual property rights.

2. The Parties shall, according to their respective capabilities, and subject to their respective national legislation and/or policies, protect, promote and use in particular relevant traditional and local technology, knowledge, know-how and practices and, to that end, they undertake to:

- (a) make inventories of such technology, knowledge, know-how and practices and their potential uses with the participation of local populations, and disseminate such information, where appropriate, in cooperation with relevant intergovernmental and non-governmental organizations;
- (b) ensure that such technology, knowledge, know-how and practices are adequately protected and that local populations benefit directly, on an equitable basis and as mutually agreed, from any commercial utilization of them or from any technological development derived therefrom;
- (c) encourage and actively support the improvement and dissemination of such technology, knowledge, know-how and practices or of the development of new technology based on them; and

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- (d) facilitate, as appropriate, the adaptation of such technology, knowledge, know-how and practices to wide use and integrate them with modern technology, as appropriate.

Section 3: Supporting measures

Article 19 Capacity building, education and public awareness

1. The Parties recognize the significance of capacity building -- that is to say, institution building, training and development of relevant local and national capacities -- in efforts to combat desertification and mitigate the effects of drought. They shall promote, as appropriate, capacity-building:

- (a) through the full participation at all levels of local people, particularly at the local level, especially women and youth, with the cooperation of non-governmental and local organizations;
- (b) by strengthening training and research capacity at the national level in the field of desertification and drought;
- (c) by establishing and/or strengthening support and extension services to disseminate relevant technology methods and techniques more effectively, and by training field agents and members of rural organizations in participatory approaches for the conservation and sustainable use of natural resources;
- (d) by fostering the use and dissemination of the knowledge, know-how and practices of local people in technical cooperation programmes, wherever possible;
- (e) by adapting, where necessary, relevant environmentally sound technology and traditional methods of agriculture and pastoralism to modern socio-economic conditions;
- (f) by providing appropriate training and technology in the use of alternative energy sources, particularly renewable energy resources, aimed particularly at reducing dependence on wood for fuel;
- (g) through cooperation, as mutually agreed, to strengthen the capacity of affected developing country Parties to develop and implement programmes in the field of collection, analysis and exchange of information pursuant to article 16;
- (h) through innovative ways of promoting alternative livelihoods, including training in new skills;
- (i) by training of decision makers, managers, and personnel who are responsible for the collection and analysis of data for the dissemination and use of early warning information on drought conditions and for food production;

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- (j) through more effective operation of existing national institutions and legal frameworks and, where necessary, creation of new ones, along with strengthening of strategic planning and management; and
- (k) by means of exchange visitor programmes to enhance capacity building in affected country Parties through a long-term, interactive process of learning and study.

2. Affected developing country Parties shall conduct, in cooperation with other Parties and competent intergovernmental and non-governmental organizations, as appropriate, an interdisciplinary review of available capacity and facilities at the local and national levels, and the potential for strengthening them.

3. The Parties shall cooperate with each other and through competent intergovernmental organizations, as well as with non-governmental organizations, in undertaking and supporting public awareness and educational programmes in both affected and, where relevant, unaffected country Parties to promote understanding of the causes and effects of desertification and drought and of the importance of meeting the objective of this Convention. To that end, they shall:

- (a) organize awareness campaigns for the general public;
- (b) promote, on a permanent basis, access by the public to relevant information, and wide public participation in education and awareness activities;
- (c) encourage the establishment of associations that contribute to public awareness;
- (d) develop and exchange educational and public awareness material, where possible in local languages, exchange and second experts to train personnel of affected developing country Parties in carrying out relevant education and awareness programmes, and fully utilize relevant educational material available in competent international bodies;
- (e) assess educational needs in affected areas, elaborate appropriate school curricula and expand, as needed, educational and adult literacy programmes and opportunities for all, in particular for girls and women, on the identification, conservation and sustainable use and management of the natural resources of affected areas; and
- (f) develop interdisciplinary participatory programmes integrating desertification and drought awareness into educational systems and in non-formal, adult, distance and practical educational programmes.

4. The Conference of the Parties shall establish and/or strengthen networks of regional education and training centres to combat desertification and mitigate the effects of drought. These networks shall be coordinated by an institution created or designated for that purpose, in order to train scientific, technical and management personnel and to strengthen existing institutions responsible for education and training in affected country Parties, where appropriate, with a view to harmonizing programmes and to organizing exchanges

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of experience among them. These networks shall cooperate closely with relevant intergovernmental and non-governmental organizations to avoid duplication of effort.

Article 20

Financial resources

1. Given the central importance of financing to the achievement of the objective of the Convention, the Parties, taking into account their capabilities, shall make every effort to ensure that adequate financial resources are available for programmes to combat desertification and mitigate the effects of drought.

2. In this connection, developed country Parties, while giving priority to affected African country Parties without neglecting affected developing country Parties in other regions, in accordance with article 7, undertake to:

- (a) mobilize substantial financial resources, including grants and concessional loans, in order to support the implementation of programmes to combat desertification and mitigate the effects of drought;
- (b) promote the mobilization of adequate, timely and predictable financial resources, including new and additional funding from the Global Environment Facility of the agreed incremental costs of those activities concerning desertification that relate to its four focal areas, in conformity with the relevant provisions of the Instrument establishing the Global Environment Facility;
- (c) facilitate through international cooperation the transfer of technology, knowledge and know-how; and
- (d) explore, in cooperation with affected developing country Parties, innovative methods and incentives for mobilizing and channelling resources, including those of foundations, non-governmental organizations and other private sector entities, particularly debt swaps and other innovative means which increase financing by reducing the external debt burden of affected developing country Parties, particularly those in Africa.

3. Affected developing country Parties, taking into account their capabilities, undertake to mobilize adequate financial resources for the implementation of their national action programmes.

4. In mobilizing financial resources, the Parties shall seek full use and continued qualitative improvement of all national, bilateral and multilateral funding sources and mechanisms, using consortia, joint programmes and parallel financing, and shall seek to involve private sector funding sources and mechanisms, including those of non-governmental organizations. To this end, the Parties shall fully utilize the operational mechanisms developed pursuant to article 14.

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5. In order to mobilize the financial resources necessary for affected developing country Parties to combat desertification and mitigate the effects of drought, the Parties shall:

- (a) rationalize and strengthen the management of resources already allocated for combating desertification and mitigating the effects of drought by using them more effectively and efficiently, assessing their successes and shortcomings, removing hindrances to their effective use and, where necessary, reorienting programmes in light of the integrated long-term approach adopted pursuant to this Convention;

- (b) give due priority and attention within the governing bodies of multilateral financial institutions, facilities and funds, including regional development banks and funds, to supporting affected developing country Parties, particularly those in Africa, in activities which advance implementation of the Convention, notably action programmes they undertake in the framework of regional implementation annexes; and
 - (c) examine ways in which regional and subregional cooperation can be strengthened to support efforts undertaken at the national level.
6. Other Parties are encouraged to provide, on a voluntary basis, knowledge, know-how and techniques related to desertification and/or financial resources to affected developing country Parties.
7. The full implementation by affected developing country Parties, particularly those in Africa, of their obligations under the Convention will be greatly assisted by the fulfilment by developed country Parties of their obligations under the Convention, including in particular those regarding financial resources and transfer of technology. In fulfilling their obligations, developed country Parties should take fully into account that economic and social development and poverty eradication are the first priorities of affected developing country Parties, particularly those in Africa.

Article 21 **Financial mechanisms**

1. The Conference of the Parties shall promote the availability of financial mechanisms and shall encourage such mechanisms to seek to maximize the availability of funding for affected developing country Parties, particularly those in Africa, to implement the Convention. To this end, the Conference of the Parties shall consider for adoption *inter alia* approaches and policies that:

- (a) facilitate the provision of necessary funding at the national, subregional, regional and global levels for activities pursuant to relevant provisions of the Convention;
- (b) promote multiple-source funding approaches, mechanisms and arrangements and their assessment, consistent with article 20;

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- (c) provide on a regular basis, to interested Parties and relevant intergovernmental and non-governmental organizations, information on available sources of funds and on funding patterns in order to facilitate coordination among them;
- (d) facilitate the establishment, as appropriate, of mechanisms, such as national desertification funds, including those involving the participation of non-governmental organizations, to channel financial resources rapidly and efficiently to the local level in affected developing country Parties; and
- (e) strengthen existing funds and financial mechanisms at the subregional and regional levels, particularly in Africa, to support more effectively the implementation of the Convention.

2. The Conference of the Parties shall also encourage the provision, through various mechanisms within the United Nations system and through multilateral financial institutions, of support at the national, subregional and regional levels to activities that enable developing country Parties to meet their obligations under the Convention.

3. Affected developing country Parties shall utilize, and where necessary, establish and/or strengthen, national coordinating mechanisms, integrated in national development programmes, that would ensure the efficient use of all available financial resources. They shall also utilize participatory processes involving non-governmental organizations, local groups and the private sector, in raising funds, in elaborating as well as implementing programmes and in assuring access to funding by groups at the local level. These actions can be enhanced by improved coordination and flexible programming on the part of those providing assistance.

4. In order to increase the effectiveness and efficiency of existing financial mechanisms, a Global Mechanism to promote actions leading to the mobilization and channelling of substantial financial resources, including for the transfer of technology, on a grant basis, and/or on concessional or other terms, to affected developing country Parties, is hereby established. This Global Mechanism shall function under the authority and guidance of the Conference of the Parties and be accountable to it.

5. The Conference of the Parties shall identify, at its first ordinary session, an organization to house the Global Mechanism. The Conference of the Parties and the organization it has identified shall agree upon modalities for this Global Mechanism to ensure inter alia that such Mechanism:

- (a) identifies and draws up an inventory of relevant bilateral and multilateral cooperation programmes that are available to implement the Convention;
- (b) provides advice, on request, to Parties on innovative methods of financing and sources of financial assistance and on improving the coordination of cooperation activities at the national level;

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- (c) provides interested Parties and relevant intergovernmental and nongovernmental organizations with information on available sources of funds and on funding patterns in order to facilitate coordination among them; and
- (d) reports to the Conference of the Parties, beginning at its second ordinary session, on its activities.

6. The Conference of the Parties shall, at its first session, make appropriate arrangements with the organization it has identified to house the Global Mechanism for the administrative operations of such Mechanism, drawing to the extent possible on existing budgetary and human resources.

7. The Conference of the Parties shall, at its third ordinary session, review the policies, operational modalities and activities of the Global Mechanism accountable to it pursuant to paragraph 4, taking into account the provisions of article 7. On the basis of this review, it shall consider and take appropriate action.

PART IV INSTITUTIONS

Article 22 Conference of the Parties

1. A Conference of the Parties is hereby established.
 2. The Conference of the Parties is the supreme body of the Convention. It shall make, within its mandate, the decisions necessary to promote its effective implementation. In particular, it shall:
 - (a) regularly review the implementation of the Convention and the functioning of its institutional arrangements in the light of the experience gained at the national, subregional, regional and international levels and on the basis of the evolution of scientific and technological knowledge;
 - (b) promote and facilitate the exchange of information on measures adopted by the Parties, and determine the form and timetable for transmitting the information to be submitted pursuant to article 26, review the reports and make recommendations on them;
 - (c) establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;
 - (d) review reports submitted by its subsidiary bodies and provide guidance to them;
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- (e) agree upon and adopt, by consensus, rules of procedure and financial rules for itself and any subsidiary bodies;
 - (f) adopt amendments to the Convention pursuant to articles 30 and 31;
 - (g) approve a programme and budget for its activities, including those of its subsidiary bodies, and undertake necessary arrangements for their financing;
 - (h) as appropriate, seek the cooperation of, and utilize the services of and information provided by, competent bodies or agencies, whether national or international, intergovernmental or non-governmental;
 - (i) promote and strengthen the relationship with other relevant conventions while avoiding duplication of effort; and
 - (j) exercise such other functions as may be necessary for the achievement of the objective of the Convention.
3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure, by consensus, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.
4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in article 35 and shall take place not later than one year after the date of entry into force of the Convention. Unless otherwise decided by the Conference of the Parties, the second, third and fourth ordinary sessions shall be held yearly, and thereafter, ordinary sessions shall be held every two years.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be decided either by the Conference of the Parties in ordinary session or at the written request of any Party, provided that, within three months of the request being communicated to the Parties by the Permanent Secretariat, it is supported by at least one third of the Parties.

6. At each ordinary session, the Conference of the Parties shall elect a Bureau. The structure and functions of the Bureau shall be determined in the rules of procedure. In appointing the Bureau, due regard shall be paid to the need to ensure equitable geographical distribution and adequate representation of affected country Parties, particularly those in Africa.

7. The United Nations, its specialized agencies and any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the Permanent Secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one

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third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

8. The Conference of the Parties may request competent national and international organizations which have relevant expertise to provide it with information relevant to article 16, paragraph (g), article 17, paragraph 1 (c) and article 18, paragraph 2(b).

Article 23

Permanent Secretariat

1. A Permanent Secretariat is hereby established.
2. The functions of the Permanent Secretariat shall be:
 - (a) to make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;
 - (b) to compile and transmit reports submitted to it;
 - (c) to facilitate assistance to affected developing country Parties, on request, particularly those in Africa, in the compilation and communication of information required under the Convention;
 - (d) to coordinate its activities with the secretariats of other relevant international bodies and conventions;
 - (e) to enter, under the guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions;
 - (f) to prepare reports on the execution of its functions under this Convention and present them to the Conference of the Parties; and
 - (g) to perform such other secretariat functions as may be determined by the Conference of the Parties.

3. The Conference of the Parties, at its first session, shall designate a Permanent Secretariat and make arrangements for its functioning.

Article 24 **Committee on Science and Technology**

1. A Committee on Science and Technology is hereby established as a subsidiary body of the Conference of the Parties to provide it with information and advice on scientific and technological matters relating to combating desertification and mitigating the effects of drought. The Committee shall meet

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in conjunction with the ordinary sessions of the Conference of the Parties and shall be multidisciplinary and open to the participation of all Parties. It shall be composed of government representatives competent in the relevant fields of expertise. The Conference of the Parties shall decide, at its first session, on the terms of reference of the Committee.

2. The Conference of the Parties shall establish and maintain a roster of independent experts with expertise and experience in the relevant fields. The roster shall be based on nominations received in writing from the Parties, taking into account the need for a multidisciplinary approach and broad geographical representation.

3. The Conference of the Parties may, as necessary, appoint ad hoc panels to provide it, through the Committee, with information and advice on specific issues regarding the state of the art in fields of science and technology relevant to combating desertification and mitigating the effects of drought. These panels shall be composed of experts whose names are taken from the roster, taking into account the need for a multidisciplinary approach and broad geographical representation. These experts shall have scientific backgrounds and field experience and shall be appointed by the Conference of the Parties on the recommendation of the Committee. The Conference of the Parties shall decide on the terms of reference and the modalities of work of these panels.

Article 25 **Networking of institutions, agencies and bodies**

1. The Committee on Science and Technology shall, under the supervision of the Conference of the Parties, make provision for the undertaking of a survey and evaluation of the relevant existing networks, institutions, agencies and bodies willing to become units of a network. Such a network shall support the implementation of the Convention.

2. On the basis of the results of the survey and evaluation referred to in paragraph 1, the Committee on Science and Technology shall make recommendations to the Conference of the Parties on ways and means to facilitate and strengthen networking of the units at the local, national and other levels, with a view to ensuring that the thematic needs set out in articles 16 to 19 are addressed.

3. Taking into account these recommendations, the Conference of the Parties shall:
 - (a) identify those national, subregional, regional and international units that are most appropriate for networking, and recommend operational procedures, and a time frame, for them; and
 - (b) identify the units best suited to facilitating and strengthening such networking at all levels.

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PART V PROCEDURES

Article 26 Communication of information

1. Each Party shall communicate to the Conference of the Parties for consideration at its ordinary sessions, through the Permanent Secretariat, reports on the measures which it has taken for the implementation of the Convention. The Conference of the Parties shall determine the timetable for submission and the format of such reports.

2. Affected country Parties shall provide a description of the strategies established pursuant to article 5 and of any relevant information on their implementation.

3. Affected country Parties which implement action programmes pursuant to articles 9 to 15 shall provide a detailed description of the programmes and of their implementation.

4. Any group of affected country Parties may make a joint communication on measures taken at the subregional and/or regional levels in the framework of action programmes.

5. Developed country Parties shall report on measures taken to assist in the preparation and implementation of action programmes, including information on the financial resources they have provided, or are providing, under the Convention.

6. Information communicated pursuant to paragraphs 1 to 4 shall be transmitted by the Permanent Secretariat as soon as possible to the Conference of the Parties and to any relevant subsidiary body.

7. The Conference of the Parties shall facilitate the provision to affected developing countries, particularly those in Africa, on request, of technical and financial support in compiling and communicating information in accordance with this article, as well as identifying the technical and financial needs associated with action programmes.

Article 27
Measures to resolve questions on implementation

The Conference of the Parties shall consider and adopt procedures and institutional mechanisms for the resolution of questions that may arise with regard to the implementation of the Convention.

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Article 28
Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of the Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving, or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

- (a) arbitration in accordance with procedures adopted by the Conference of the Parties in an annex as soon as practicable;
- (b) submission of the dispute to the International Court of Justice.

3. A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2 (a).

4. A declaration made pursuant to paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the Parties to the dispute otherwise agree.

6. If the Parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2 and if they have not been able to settle their dispute within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to conciliation at the request of any Party to the dispute, in accordance with procedures adopted by the Conference of the Parties in an annex as soon as practicable.

Article 29
Status of annexes

1. Annexes form an integral part of the Convention and, unless expressly provided otherwise, a reference to the Convention also constitutes a reference to its annexes.

2. The Parties shall interpret the provisions of the annexes in a manner that is in conformity with their rights and obligations under the articles of this Convention.

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Article 30
Amendments to the Convention

1. Any Party may propose amendments to the Convention.

2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Permanent Secretariat at least six months before the meeting at which it is proposed for adoption. The Permanent Secretariat shall also communicate proposed amendments to the signatories to the Convention.

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

4. Instruments of ratification, acceptance, approval or accession in respect of an amendment shall be deposited with the Depositary. An amendment adopted pursuant to paragraph 3 shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of ratification, acceptance, approval or accession by at least two thirds of the Parties to the Convention which were Parties at the time of the adoption of the amendment.

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

6. For the purposes of this article and article 31, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 31
Adoption and amendment of annexes

1. Any additional annex to the Convention and any amendment to an annex shall be proposed and adopted in accordance with the procedure for amendment of the Convention set forth in article 30, provided that, in adopting an additional regional implementation annex or amendment to any regional implementation annex, the majority provided for in that article shall include a two-thirds majority vote of the Parties of the region concerned present and voting. The adoption or amendment of an annex shall be communicated by the Depositary to all Parties.

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2. An annex, other than an additional regional implementation annex, or an amendment to an annex, other than an amendment to any regional implementation annex, that has been adopted in accordance with paragraph 1, shall enter into force for all Parties to the Convention six months after the date of communication by the Depositary to such Parties of the adoption of such annex or amendment, except for those Parties that have notified the Depositary in writing within that period of their non-acceptance of such annex or amendment. Such annex or amendment shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

3. An additional regional implementation annex or amendment to any regional implementation annex that has been adopted in accordance with paragraph 1, shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of such annex or amendment, except with respect to:

- (a) any Party that has notified the Depositary in writing, within such six month period, of its non-acceptance of that additional regional implementation annex or of the amendment to the regional implementation annex, in which case such annex or amendment shall enter into force for Parties which withdraw their notification of nonacceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary; and
- (b) any Party that has made a declaration with respect to additional regional implementation annexes or amendments to regional implementation annexes in accordance with article 34, paragraph 4, in which case any such annex or amendment shall enter into force for such a Party on the ninetieth day after the date of deposit with the Depositary of its instrument of ratification, acceptance, approval or accession with respect to such annex or amendment.

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

Article 32
Right to vote

1. Except as provided for in paragraph 2, each Party to the Convention shall have one vote.

2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

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PART VI
FINAL PROVISIONS

Article 33
Signature

This Convention shall be opened for signature at Paris, on 14-15 October 1994, by States Members of the United Nations or any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations. It shall remain open for signature, thereafter, at the United Nations Headquarters in New York until 13 October 1995.

Article 34
Ratification, acceptance, approval and accession

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party to the Convention shall be bound by all the obligations under the Convention. Where one or more member States of such an organization are also Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. They shall also promptly inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

4. In its instrument of ratification, acceptance, approval or accession, any Party may declare that, with respect to it, any additional regional implementation annex or

any amendment to any regional implementation annex shall enter into force only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect thereto.

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Article 35

Interim arrangements

The secretariat functions referred to in article 23 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 47/188 of 22 December 1992, until the completion of the first session of the Conference of the Parties.

Article 36

Entry into force

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

2. For each State or regional economic integration organization ratifying, accepting, approving or acceding to the Convention after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

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

Article 37

Reservations

No reservations may be made to this Convention.

Article 38

Withdrawal

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

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

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Article 39
Depositary

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

Article 40
Authentic texts

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

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

DONE AT Paris, this 17th day of June one thousand nine hundred and ninety-four.
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ANNEX I
REGIONAL IMPLEMENTATION ANNEX FOR AFRICA

Article 1
Scope

This Annex applies to Africa, in relation to each Party and in conformity with the Convention, in particular its article 7, for the purpose of combating desertification and/or mitigating the effects of drought in its arid, semi-arid and dry sub-humid areas.

Article 2
Purpose

The purpose of this Annex, at the national, subregional and regional levels in Africa and in the light of its particular conditions, is to:

- (a) identify measures and arrangements, including the nature and processes of assistance provided by developed country Parties, in accordance with the relevant provisions of the Convention;
- (b) provide for the efficient and practical implementation of the Convention to address conditions specific to Africa; and
- (c) promote processes and activities relating to combating desertification and/or mitigating the effects of drought within the arid, semi-arid and dry sub-humid areas of Africa.

Article 3
Particular conditions of the African region

In carrying out their obligations under the Convention, the Parties shall, in the implementation of this Annex, adopt a basic approach that takes into consideration the following particular conditions of Africa:

- (a) the high proportion of arid, semi-arid and dry sub-humid areas;
 - (b) the substantial number of countries and populations adversely affected by desertification and by the frequent recurrence of severe drought;
 - (c) the large number of affected countries that are landlocked;
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- (d) the widespread poverty prevalent in most affected countries, the large number of least developed countries among them, and their need for significant amounts of external assistance, in the form of grants and loans on concessional terms, to pursue their development objectives;
- (e) the difficult socio-economic conditions, exacerbated by deteriorating and fluctuating terms of trade, external indebtedness and political instability, which induce internal, regional and international migrations;
- (f) the heavy reliance of populations on natural resources for subsistence which, compounded by the effects of demographic trends and factors, a weak technological base and unsustainable production practices, contributes to serious resource degradation;
- (g) the insufficient institutional and legal frameworks, the weak infrastructural base and the insufficient scientific, technical and educational capacity, leading to substantial capacity building requirements; and
- (h) the central role of actions to combat desertification and/or mitigate the effects of drought in the national development priorities of affected African countries.

Article 4
Commitments and obligations of African country Parties

1. In accordance with their respective capabilities, African country Parties undertake to:
- (a) adopt the combating of desertification and/or the mitigation of the effects of drought as a central strategy in their efforts to eradicate poverty;
 - (b) promote regional cooperation and integration, in a spirit of solidarity and partnership based on mutual interest, in programmes and activities to combat desertification and/or mitigate the effects of drought;
 - (c) rationalize and strengthen existing institutions concerned with desertification and drought and involve other existing institutions, as appropriate, in order to make them more effective and to ensure more efficient use of resources;
 - (d) promote the exchange of information on appropriate technology, knowledge, know-how and practices between and among them; and
 - (e) develop contingency plans for mitigating the effects of drought in areas degraded by desertification and/or drought.

2. Pursuant to the general and specific obligations set out in articles 4 and 5 of the Convention, affected African country Parties shall aim to:
- (a) make appropriate financial allocations from their national budgets consistent with national conditions and capabilities and reflecting the new priority Africa has accorded to the phenomenon of desertification and/or drought;
 - (b) sustain and strengthen reforms currently in progress toward greater decentralization and resource tenure as well as reinforce participation of local populations and communities; and
 - (c) identify and mobilize new and additional national financial resources, and expand, as a matter of priority, existing national capabilities and facilities to mobilize domestic financial resources.

Article 5
Commitments and obligations of developed country Parties

1. In fulfilling their obligations pursuant to articles 4, 6 and 7 of the Convention, developed country Parties shall give priority to affected African country Parties and, in this context, shall:

- (a) assist them to combat desertification and/or mitigate the effects of drought by, inter alia, providing and/or facilitating access to financial and/or other resources, and promoting, financing and/or facilitating the financing of the transfer, adaptation and access to appropriate environmental technologies and know-how, as mutually agreed and in accordance with national policies, taking into account their adoption of poverty eradication as a central strategy;
- (b) continue to allocate significant resources and/or increase resources to combat desertification and/or mitigate the effects of drought; and
- (c) assist them in strengthening capacities to enable them to improve their institutional frameworks, as well as their scientific and technical capabilities, information collection and analysis, and research and development for the purpose of combating desertification and/or mitigating the effects of drought.

2. Other country Parties may provide, on a voluntary basis, technology, knowledge and know-how relating to desertification and/or financial resources, to affected African country Parties. The transfer of such knowledge, know-how and techniques is facilitated by international cooperation.

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Article 6
Strategic planning framework for sustainable development

1. National action programmes shall be a central and integral part of a broader process of formulating national policies for the sustainable development of affected African country Parties.

2. A consultative and participatory process involving appropriate levels of government, local populations, communities and non-governmental organizations shall be undertaken to provide guidance on a strategy with flexible planning to allow

maximum participation from local populations and communities. As appropriate, bilateral and multilateral assistance agencies may be involved in this process at the request of an affected African country Party.

Article 7

Timetable for preparation of action programmes

Pending entry into force of this Convention, the African country Parties, in cooperation with other members of the international community, as appropriate, shall, to the extent possible, provisionally apply those provisions of the Convention relating to the preparation of national, subregional and regional action programmes.

Article 8

Content of national action programmes

1. Consistent with article 10 of the Convention, the overall strategy of national action programmes shall emphasize integrated local development programmes for affected areas, based on participatory mechanisms and on integration of strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought. The programmes shall aim at strengthening the capacity of local authorities and ensuring the active involvement of local populations, communities and groups, with emphasis on education and training, mobilization of non-governmental organizations with proven expertise and strengthening of decentralized governmental structures.

2. National action programmes shall, as appropriate, include the following general features:

- (a) the use, in developing and implementing national action programmes, of past experiences in combating desertification and/or mitigating the effects of drought, taking into account social, economic and ecological conditions;

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- (b) the identification of factors contributing to desertification and/or drought and the resources and capacities available and required, and the setting up of appropriate policies and institutional and other responses and measures necessary to combat those phenomena and/or mitigate their effects; and
- (c) the increase in participation of local populations and communities, including women, farmers and pastoralists, and delegation to them of more responsibility for management.

3. National action programmes shall also, as appropriate, include the following:

- (a) measures to improve the economic environment with a view to eradicating poverty:
 - (i) increasing incomes and employment opportunities, especially for the poorest members of the community, by:
 - developing markets for farm and livestock products;
 - creating financial instruments suited to local needs;
 - encouraging diversification in agriculture and the setting-up of agricultural enterprises; and
 - developing economic activities of a paraagricultural or non-agricultural type;

- (ii) improving the long-term prospects of rural economies by the creation of:
 - incentives for productive investment and access to the means of production; and
 - price and tax policies and commercial practices that promote growth;
 - (iii) defining and applying population and migration policies to reduce population pressure on land; and
 - (iv) promoting the use of drought resistant crops and the application of integrated dry-land farming systems for food security purposes;
- (b) measures to conserve natural resources:
- (i) ensuring integrated and sustainable management of natural resources, including:
 - agricultural land and pastoral land;
 - vegetation cover and wildlife;
 - forests;
 - water resources; and
 - biological diversity;

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- (ii) training with regard to, and strengthening, public awareness and environmental education campaigns and disseminating knowledge of techniques relating to the sustainable management of natural resources; and
 - (iii) ensuring the development and efficient use of diverse energy sources, the promotion of alternative sources of energy, particularly solar energy, wind energy and biogas, and specific arrangements for the transfer, acquisition and adaptation of relevant technology to alleviate the pressure on fragile natural resources;
- (c) measures to improve institutional organization:
- (i) defining the roles and responsibilities of central government and local authorities within the framework of a land use planning policy;
 - (ii) encouraging a policy of active decentralization, devolving responsibility for management and decision-making to local authorities, and encouraging initiatives and the assumption of responsibility by local communities and the establishment of local structures; and
 - (iii) adjusting, as appropriate, the institutional and regulatory framework of natural resource management to provide security of land tenure for local populations;
- (d) measures to improve knowledge of desertification:
- (i) promoting research and the collection, processing and exchange of information on the scientific, technical and socio-economic aspects of desertification;
 - (ii) improving national capabilities in research and in the collection, processing, exchange and analysis of information so as to increase understanding and to translate the results of the analysis into operational terms; and
 - (iii) encouraging the medium and long term study of:
 - socio-economic and cultural trends in affected areas;
 - qualitative and quantitative trends in natural resources; and
 - the interaction between climate and desertification; and

- (e) measures to monitor and assess the effects of drought:
 - (i) developing strategies to evaluate the impacts of natural climate variability on regional drought and

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desertification and/or to utilize predictions of climate variability on seasonal to interannual time scales in efforts to mitigate the effects of drought;

- (ii) improving early warning and response capacity, efficiently managing emergency relief and food aid, and improving food stocking and distribution systems, cattle protection schemes and public works and alternative livelihoods for drought prone areas; and
- (iii) monitoring and assessing ecological degradation to provide reliable and timely information on the process and dynamics of resource degradation in order to facilitate better policy formulations and responses.

Article 9

Preparation of national action programmes and implementation and evaluation indicators

Each affected African country Party shall designate an appropriate national coordinating body to function as a catalyst in the preparation, implementation and evaluation of its national action programme. This coordinating body shall, in the light of article 3 and as appropriate:

- (a) undertake an identification and review of actions, beginning with a locally driven consultation process, involving local populations and communities and with the cooperation of local administrative authorities, developed country Parties and intergovernmental and nongovernmental organizations, on the basis of initial consultations of those concerned at the national level;
- (b) identify and analyze the constraints, needs and gaps affecting development and sustainable land use and recommend practical measures to avoid duplication by making full use of relevant ongoing efforts and promote implementation of results;
- (c) facilitate, design and formulate project activities based on interactive, flexible approaches in order to ensure active participation of the population in affected areas, to minimize the negative impact of such activities, and to identify and prioritize requirements for financial assistance and technical cooperation;
- (d) establish pertinent, quantifiable and readily verifiable indicators to ensure the assessment and evaluation of national action programmes, which encompass actions in the short, medium and long terms, and of the implementation of such programmes; and
- (e) prepare progress reports on the implementation of the national action programmes.

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Article 10
Organizational framework of subregional action programmes

1. Pursuant to article 4 of the Convention, African country Parties shall cooperate in the preparation and implementation of subregional action programmes for central, eastern, northern, southern and western Africa and, in that regard, may delegate the following responsibilities to relevant subregional intergovernmental organizations:

- (a) acting as focal points for preparatory activities and coordinating the implementation of the subregional action programmes;
 - (b) assisting in the preparation and implementation of national action programmes;
 - (c) facilitating the exchange of information, experience and know-how as well as providing advice on the review of national legislation; and
 - (d) any other responsibilities relating to the implementation of subregional action programmes.
2. Specialized subregional institutions may provide support, upon request, and/or be entrusted with the responsibility to coordinate activities in their respective fields of competence.

Article 11
Content and preparation of subregional action programmes

Subregional action programmes shall focus on issues that are better addressed at the subregional level. They shall establish, where necessary, mechanisms for the management of shared natural resources. Such mechanisms shall effectively handle transboundary problems associated with desertification and/or drought and shall provide support for the harmonious implementation of national action programmes. Priority areas for subregional action programmes shall, as appropriate, focus on:

- (a) joint programmes for the sustainable management of transboundary natural resources through bilateral and multilateral mechanisms, as appropriate;
- (b) coordination of programmes to develop alternative energy sources;
- (c) cooperation in the management and control of pests as well as of plant and animal diseases;
- (d) capacity building, education and public awareness activities that are better carried out or supported at the subregional level;

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- (e) scientific and technical cooperation, particularly in the climatological, meteorological and hydrological fields, including networking for data collection and assessment, information sharing and project monitoring, and coordination and prioritization of research and development activities;
- (f) early warning systems and joint planning for mitigating the effects of drought, including measures to address the problems resulting from environmentally induced migrations;
- (g) exploration of ways of sharing experiences, particularly regarding participation of local populations and communities, and creation of an enabling environment for improved land use management and for use of appropriate technologies;

- (h) strengthening of the capacity of subregional organizations to coordinate and provide technical services, as well as establishment, reorientation and strengthening of subregional centres and institutions; and
- (i) development of policies in fields, such as trade, which have impact upon affected areas and populations, including policies for the coordination of regional marketing regimes and for common infrastructure.

Article 12

Organizational framework of the regional action programme

1. Pursuant to article 11 of the Convention, African country Parties shall jointly determine the procedures for preparing and implementing the regional action programme.

2. The Parties may provide appropriate support to relevant African regional institutions and organizations to enable them to assist African country Parties to fulfil their responsibilities under the Convention.

Article 13

Content of the regional action programme

The regional action programme includes measures relating to combating desertification and/or mitigating the effects of drought in the following priority areas, as appropriate:

- (a) development of regional cooperation and coordination of sub-regional action programmes for building regional consensus on key policy areas, including through regular consultations of sub-regional organizations;
- (b) promotion of capacity building in activities which are better implemented at the regional level;

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- (c) the seeking of solutions with the international community to global economic and social issues that have an impact on affected areas taking into account article 4, paragraph 2 (b) of the Convention;
- (d) promotion among the affected country Parties of Africa and its subregions, as well as with other affected regions, of exchange of information and appropriate techniques, technical know-how and relevant experience; promotion of scientific and technological cooperation particularly in the fields of climatology, meteorology, hydrology, water resource development and alternative energy sources; coordination of sub-regional and regional research activities; and identification of regional priorities for research and development;
- (e) coordination of networks for systematic observation and assessment and information exchange, as well as their integration into world wide networks; and
- (f) coordination of and reinforcement of sub-regional and regional early warning systems and drought contingency plans.

Article 14

Financial resources

1. Pursuant to article 20 of the Convention and article 4, paragraph 2, affected African country Parties shall endeavour to provide a macroeconomic framework conducive to the mobilization of financial resources and shall develop policies and establish procedures to channel resources more effectively to local development programmes, including through non-governmental organizations, as appropriate.

2. Pursuant to article 21, paragraphs 4 and 5 of the Convention, the Parties agree to establish an inventory of sources of funding at the national, subregional, regional and international levels to ensure the rational use of existing resources and to identify gaps in resource allocation, to facilitate implementation of the action programmes. The inventory shall be regularly reviewed and updated.

3. Consistent with article 7 of the Convention, the developed country Parties shall continue to allocate significant resources and/or increased resources as well as other forms of assistance to affected African country Parties on the basis of partnership agreements and arrangements referred to in article 18, giving, inter alia, due attention to matters related to debt, international trade and marketing arrangements in accordance with article 4, paragraph 2 (b) of the Convention.

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Article 15

Financial Mechanisms

1. Consistent with article 7 of the Convention underscoring the priority to affected African country Parties and considering the particular situation prevailing in this region, the Parties shall pay special attention to the implementation in Africa of the provisions of article 21, paragraph 1 (d) and (e) of the Convention, notably by:

- (a) facilitating the establishment of mechanisms, such as national desertification funds, to channel financial resources to the local level; and
- (b) strengthening existing funds and financial mechanisms at the subregional and regional levels.

2. Consistent with articles 20 and 21 of the Convention, the Parties which are also members of the governing bodies of relevant regional and subregional financial institutions, including the African Development Bank and the African Development Fund, shall promote efforts to give due priority and attention to the activities of those institutions that advance the implementation of this Annex.

3. The Parties shall streamline, to the extent possible, procedures for channelling funds to affected African country Parties.

Article 16
Technical assistance and cooperation

The Parties undertake, in accordance with their respective capabilities, to rationalize technical assistance to, and cooperation with, African country Parties with a view to increasing project and programme effectiveness by, inter alia:

- (a) limiting the costs of support measures and backstopping, especially overhead costs; in any case, such costs shall only represent an appropriately low percentage of the total cost of the project so as to maximize project efficiency;
- (b) giving preference to the utilization of competent national experts or, where necessary, competent experts from within the subregion and/or region, in project design, preparation and implementation, and to the building of local expertise where it does not exist; and
- (c) effectively managing and coordinating, as well as efficiently utilizing, technical assistance to be provided.

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Article 17
Transfer, acquisition, adaptation and access to environmentally sound technology

In implementing article 18 of the Convention relating to transfer, acquisition, adaptation and development of technology, the Parties undertake to give priority to African country Parties and, as necessary, to develop with them new models of partnership and cooperation with a view to strengthening capacity building in the fields of scientific research and development and information collection and dissemination to enable them to implement their strategies to combat desertification and mitigate the effects of drought.

Article 18
Coordination and partnership agreements

1. African country Parties shall coordinate the preparation, negotiation and implementation of national, subregional and regional action programmes. They may involve, as appropriate, other Parties and relevant intergovernmental and non-governmental organizations in this process.

2. The objectives of such coordination shall be to ensure that financial and technical cooperation is consistent with the Convention and to provide the necessary continuity in the use and administration of resources.

3. African country Parties shall organize consultative processes at the national, subregional and regional levels. These consultative processes may:

- (a) serve as a forum to negotiate and conclude partnership agreements based on national, subregional and regional action programmes; and
- (b) specify the contribution of African country Parties and other members of the consultative groups to the programmes and identify priorities and agreements on implementation and evaluation indicators, as well as funding arrangements for implementation.

4. The Permanent Secretariat may, at the request of African country Parties, pursuant to article 23 of the Convention, facilitate the convocation of such consultative processes by:

- (a) providing advice on the organization of effective consultative arrangements, drawing on experiences from other such arrangements;
- (b) providing information to relevant bilateral and multilateral agencies concerning consultative meetings or processes, and encouraging their active involvement; and
- (c) providing other information that may be relevant in establishing or improving consultative arrangements.

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5. The subregional and regional coordinating bodies shall, inter alia:

- (a) recommend appropriate adjustments to partnership agreements;
- (b) monitor, assess and report on the implementation of the agreed subregional and regional programmes; and
- (c) aim to ensure efficient communication and cooperation among African country Parties.

6. Participation in the consultative groups shall, as appropriate, be open to Governments, interested groups and donors, relevant organs, funds and programmes of the United Nations system, relevant subregional and regional organizations, and representatives of relevant non-governmental organizations. Participants of each consultative group shall determine the modalities of its management and operation.

7. Pursuant to article 14 of the Convention, developed country Parties are encouraged to develop, on their own initiative, an informal process of consultation and coordination among themselves, at the national, subregional and regional levels, and, at the request of an affected African country Party or of an appropriate subregional or regional organization, to participate in a national, subregional or regional consultative process that would evaluate and respond to assistance needs in order to facilitate implementation.

Article 19 **Follow-up arrangements**

Follow-up of this Annex shall be carried out by African country Parties in accordance with the Convention as follows:

- (a) at the national level, by a mechanism the composition of which should be determined by each affected African country Party and which shall include representatives of local communities and shall function under the supervision of the national coordinating body referred to in article 9;
- (b) at the subregional level, by a multidisciplinary scientific and technical consultative committee, the composition and modalities of operation of which shall be determined by the African country Parties of the subregion concerned; and
- (c) at the regional level, by mechanisms defined in accordance with the relevant provisions of the Treaty establishing the African Economic Community, and by an African Scientific and Technical Advisory Committee.

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ANNEX II
REGIONAL IMPLEMENTATION ANNEX FOR ASIA

Article 1
Purpose

The purpose of this Annex is to provide guidelines and arrangements for the effective implementation of the Convention in the affected country Parties of the Asian region in the light of its particular conditions.

Article 2
Particular conditions of the Asian region

In carrying out their obligations under the Convention, the Parties shall, as appropriate, take into consideration the following particular conditions which apply in varying degrees to the affected country Parties of the region:

- (a) the high proportion of areas in their territories affected by, or vulnerable to, desertification and drought and the broad diversity of these areas with regard to climate, topography, land use and socioeconomic systems;
- (b) the heavy pressure on natural resources for livelihoods;
- (c) the existence of production systems, directly related to widespread poverty, leading to land degradation and to pressure on scarce water resources;
- (d) the significant impact of conditions in the world economy and social problems such as poverty, poor health and nutrition, lack of food security, migration, displaced persons and demographic dynamics;
- (e) their expanding, but still insufficient, capacity and institutional frameworks to deal with national desertification and drought problems; and
- (f) their need for international cooperation to pursue sustainable development objectives relating to combating desertification and mitigating the effects of drought.

Article 3
Framework for national action programmes

1. National action programmes shall be an integral part of broader national policies for sustainable development of the affected country Parties of the region.

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2. The affected country Parties shall, as appropriate, develop national action programmes pursuant to articles 9 to 11 of the Convention, paying special attention to article 10, paragraph 2 (f). As appropriate, bilateral and multilateral cooperation agencies may be involved in this process at the request of the affected country Party concerned.

Article 4 **National action programmes**

1. In preparing and implementing national action programmes, the affected country Parties of the region, consistent with their respective circumstances and policies, may, inter alia, as appropriate:

- (a) designate appropriate bodies responsible for the preparation, coordination and implementation of their action programmes;
- (b) involve affected populations, including local communities, in the elaboration, coordination and implementation of their action programmes through a locally driven consultative process, with the cooperation of local authorities and relevant national and nongovernmental organizations;
- (c) survey the state of the environment in affected areas to assess the causes and consequences of desertification and to determine priority areas for action;
- (d) evaluate, with the participation of affected populations, past and current programmes for combating desertification and mitigating the effects of drought, in order to design a strategy and elaborate activities in their action programmes;
- (e) prepare technical and financial programmes based on the information derived from the activities in subparagraphs (a) to (d);
- (f) develop and utilize procedures and benchmarks for evaluating implementation of their action programmes;
- (g) promote the integrated management of drainage basins, the conservation of soil resources, and the enhancement and efficient use of water resources;
- (h) strengthen and/or establish information, evaluation and follow up and early warning systems in regions prone to desertification and drought, taking account of climatological, meteorological, hydrological, biological and other relevant factors; and
- (i) formulate in a spirit of partnership, where international cooperation, including financial and technical resources, is involved, appropriate arrangements supporting their action programmes.

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2. Consistent with article 10 of the Convention, the overall strategy of national action programmes shall emphasize integrated local development programmes for affected areas, based on participatory mechanisms and on the integration of strategies for poverty eradication into efforts to combat desertification and mitigate the effects of drought. Sectoral measures in the action programmes shall be grouped in priority fields which take account of the broad diversity of affected areas in the region referred to in article 2 (a).

Article 5
Subregional and joint action programmes

1. Pursuant to article 11 of the Convention, affected country Parties in Asia may mutually agree to consult and cooperate with other Parties, as appropriate, to prepare and implement subregional or joint action programmes, as appropriate, in order to complement, and increase effectiveness in the implementation of, national action programmes. In either case, the relevant Parties may jointly agree to entrust subregional, including bilateral or national organizations, or specialized institutions, with responsibilities relating to the preparation, coordination and implementation of programmes. Such organizations or institutions may also act as focal points for the promotion and coordination of actions pursuant to articles 16 to 18 of the Convention.

2. In preparing and implementing subregional or joint action programmes, the affected country Parties of the region shall, inter alia, as appropriate:

- (a) identify, in cooperation with national institutions, priorities relating to combating desertification and mitigating the effects of drought which can better be met by such programmes, as well as relevant activities which could be effectively carried out through them;
- (b) evaluate the operational capacities and activities of relevant regional, subregional and national institutions;
- (c) assess existing programmes relating to desertification and drought among all or some parties of the region or subregion and their relationship with national action programmes; and
- (d) formulate in a spirit of partnership, where international cooperation, including financial and technical resources, is involved, appropriate bilateral and/or multilateral arrangements supporting the programmes.

3. Subregional or joint action programmes may include agreed joint programmes for the sustainable management of transboundary natural resources relating to desertification, priorities for coordination and other activities in the fields of capacity building, scientific and technical cooperation, particularly drought early warning systems and information sharing, and means of strengthening the relevant subregional and other organizations or institutions.

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Article 6
Regional activities

Regional activities for the enhancement of subregional or joint action programmes may include, inter alia, measures to strengthen institutions and mechanisms for coordination and cooperation at the national, subregional and regional levels, and to promote the implementation of articles 16 to 19 of the Convention. These activities may also include:

- (a) promoting and strengthening technical cooperation networks;
- (b) preparing inventories of technologies, knowledge, know-how and practices, as well as traditional and local technologies and know-how, and promoting their dissemination and use;

- (c) evaluating the requirements for technology transfer and promoting the adaptation and use of such technologies; and
- (d) encouraging public awareness programmes and promoting capacity building at all levels, strengthening training, research and development and building systems for human resource development.

Article 7 **Financial resources and mechanisms**

1. The Parties shall, in view of the importance of combating desertification and mitigating the effects of drought in the Asian region, promote the mobilization of substantial financial resources and the availability of financial mechanisms, pursuant to articles 20 and 21 of the Convention.

2. In conformity with the Convention and on the basis of the coordinating mechanism provided for in article 8 and in accordance with their national development policies, affected country Parties of the region shall, individually or jointly:

- (a) adopt measures to rationalize and strengthen mechanisms to supply funds through public and private investment with a view to achieving specific results in action to combat desertification and mitigate the effects of drought;
- (b) identify international cooperation requirements in support of national efforts, particularly financial, technical and technological; and
- (c) promote the participation of bilateral and/or multilateral financial cooperation institutions with a view to ensuring implementation of the Convention.

3. The Parties shall streamline, to the extent possible, procedures for channelling funds to affected country Parties in the region.

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Article 8 **Cooperation and coordination mechanisms**

1. Affected country Parties, through the appropriate bodies designated pursuant to article 4, paragraph 1 (a), and other Parties in the region, may, as appropriate, set up a mechanism for, inter alia, the following purposes:

- (a) exchange of information, experience, knowledge and know-how;
- (b) cooperation and coordination of actions, including bilateral and multilateral arrangements, at the subregional and regional levels;
- (c) promotion of scientific, technical, technological and financial cooperation pursuant to articles 5 to 7;
- (d) identification of external cooperation requirements; and
- (e) follow-up and evaluation of the implementation of action programmes.

2. Affected country Parties, through the appropriate bodies designated pursuant to article 4, paragraph 1 (a), and other Parties in the region, may also, as appropriate, consult and coordinate as regards the national, subregional and joint action programmes. They may involve, as appropriate, other Parties and relevant intergovernmental and non-governmental organizations in this process.

Such coordination shall, *inter alia*, seek to secure agreement on opportunities for international cooperation in accordance with articles 20 and 21 of the Convention, enhance technical cooperation and channel resources so that they are used effectively.

3. Affected country Parties of the region shall hold periodic coordination meetings, and the Permanent Secretariat may, at their request, pursuant to article 23 of the Convention, facilitate the convocation of such coordination meetings by:

- (a) providing advice on the organization of effective coordination arrangements, drawing on experience from other such arrangements;
- (b) providing information to relevant bilateral and multilateral agencies concerning coordination meetings, and encouraging their active involvement; and
- (c) providing other information that may be relevant in establishing or improving coordination processes.

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ANNEX III

REGIONAL IMPLEMENTATION ANNEX FOR LATIN AMERICA AND THE CARIBBEAN

Article 1

Purpose

The purpose of this Annex is to provide general guidelines for the implementation of the Convention in the Latin American and Caribbean region, in light of its particular conditions.

Article 2

Particular conditions of the Latin American and Caribbean region The Parties shall, in accordance with the provisions of the Convention, take into consideration the following particular conditions of the region:

- (a) the existence of broad expanses which are vulnerable and have been severely affected by desertification and/or drought and in which diverse characteristics may be observed, depending on the area in which they occur; this cumulative and intensifying process has negative social, cultural, economic and environmental effects which are all the more serious in that the region contains one of the largest resources of biological diversity in the world;
- (b) the frequent use of unsustainable development practices in affected areas as a result of complex interactions among physical, biological, political, social, cultural and economic factors, including international economic factors such as external indebtedness, deteriorating terms of trade and trade practices which affect markets for agricultural, fishery and forestry products; and
- (c) a sharp drop in the productivity of ecosystems being the main consequence of desertification and drought, taking the form of a decline in agricultural, livestock and forestry yields and a loss of biological diversity; from the social point of view, the results are impoverishment, migration, internal population movements,

and the deterioration of the quality of life; the region will therefore have to adopt an integrated approach to problems of desertification and drought by promoting sustainable development models that are in keeping with the environmental, economic and social situation in each country.

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Article 3 Action programmes

1. In conformity with the Convention, in particular its articles 9 to 11, and in accordance with their national development policies, affected country Parties of the region shall, as appropriate, prepare and implement national action programmes to combat desertification and mitigate the effects of drought as an integral part of their national policies for sustainable development. Subregional and regional programmes may be prepared and implemented in accordance with the requirements of the region.

2. In the preparation of their national action programmes, affected country Parties of the region shall pay particular attention to article 10, paragraph 2 (f) of the Convention.

Article 4 Content of national action programmes

In the light of their respective situations, the affected country Parties of the region may take account, inter alia, of the following thematic issues in developing their national strategies for action to combat desertification and/or mitigate the effects of drought, pursuant to article 5 of the Convention:

- (a) increasing capacities, education and public awareness, technical, scientific and technological cooperation and financial resources and mechanisms;
- (b) eradicating poverty and improving the quality of human life;
- (c) achieving food security and sustainable development and management of agricultural, livestock-rearing, forestry and multipurpose activities;
- (d) sustainable management of natural resources, especially the rational management of drainage basins;
- (e) sustainable management of natural resources in high-altitude areas;
- (f) rational management and conservation of soil resources and exploitation and efficient use of water resources;
- (g) formulation and application of emergency plans to mitigate the effects of drought;
- (h) strengthening and/or establishing information, evaluation and follow-up and early warning systems in areas prone to desertification and drought, taking account of climatological, meteorological, hydrological, biological, soil, economic and social factors;
 - (i) developing, managing and efficiently using diverse sources of energy, including the promotion of alternative sources;

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- (j) conservation and sustainable use of biodiversity in accordance with the provisions of the Convention on Biological Diversity;
- (k) consideration of demographic aspects related to desertification and drought; and
- (l) establishing or strengthening institutional and legal frameworks permitting application of the Convention and aimed, inter alia, at decentralizing administrative structures and functions relating to desertification and drought, with the participation of affected communities and society in general.

Article 5 **Technical, scientific and technological cooperation**

In conformity with the Convention, in particular its articles 16 to 18, and on the basis of the coordinating mechanism provided for in article 7, affected country Parties of the region shall, individually or jointly:

- (a) promote the strengthening of technical cooperation networks and national, subregional and regional information systems, as well as their integration, as appropriate, in worldwide sources of information;
- (b) prepare an inventory of available technologies and know-how and promote their dissemination and use;
- (c) promote the use of traditional technology, knowledge, know-how and practices pursuant to article 18, paragraph 2 (b), of the Convention;
- (d) identify transfer of technology requirements; and
- (e) promote the development, adaptation, adoption and transfer of relevant existing and new environmentally sound technologies.

Article 6 **Financial resources and mechanisms**

In conformity with the Convention, in particular its articles 20 and 21, on the basis of the coordinating mechanism provided for in article 7 and in accordance with their national development policies, affected country Parties of the region shall, individually or jointly:

- (a) adopt measures to rationalize and strengthen mechanisms to supply funds through public and private investment with a view to achieving specific results in action to combat desertification and mitigate the effects of drought;

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- (b) identify international cooperation requirements in support of national efforts; and
- (c) promote the participation of bilateral and/or multilateral financial cooperation institutions with a view to ensuring implementation of the Convention.

Article 7
Institutional framework

1. In order to give effect to this Annex, affected country Parties of the region shall:
 - (a) establish and/or strengthen national focal points to coordinate action to combat desertification and/or mitigate the effects of drought; and
 - (b) set up a mechanism to coordinate the national focal points for the following purposes:
 - (i) exchanges of information and experience;
 - (ii) coordination of activities at the subregional and regional levels;
 - (iii) promotion of technical, scientific, technological and financial cooperation;
 - (iv) identification of external cooperation requirements; and
 - (v) follow-up and evaluation of the implementation of action programmes.

2. Affected country Parties of the region shall hold periodic coordination meetings and the Permanent Secretariat may, at their request, pursuant to article 23 of the Convention, facilitate the convocation of such coordination meetings, by:
 - (a) providing advice on the organization of effective coordination arrangements, drawing on experience from other such arrangements;
 - (b) providing information to relevant bilateral and multilateral agencies concerning coordination meetings, and encouraging their active involvement; and
 - (c) providing other information that may be relevant in establishing or improving coordination processes.

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ANNEX IV
REGIONAL IMPLEMENTATION ANNEX
FOR THE NORTHERN MEDITERRANEAN

Article 1
Purpose

The purpose of this Annex is to provide guidelines and arrangements necessary for the effective implementation of the Convention in affected country Parties of the northern Mediterranean region in the light of its particular conditions.

Article 2
Particular conditions of the northern Mediterranean region

The particular conditions of the northern Mediterranean region referred to in article 1 include:

- (a) semi-arid climatic conditions affecting large areas, seasonal droughts, very high rainfall variability and sudden and high-intensity rainfall,

- (b) poor and highly erodible soils, prone to develop surface crusts;
- (c) uneven relief with steep slopes and very diversified landscapes;
- (d) extensive forest coverage losses due to frequent wildfires;
- (e) crisis conditions in traditional agriculture with associated land abandonment and deterioration of soil and water conservation structures;
- (f) unsustainable exploitation of water resources leading to serious environmental damage, including chemical pollution, salinization and exhaustion of aquifers; and
- (g) concentration of economic activity in coastal areas as a result of urban growth, industrial activities, tourism and irrigated agriculture.

Article 3

Strategic planning framework for sustainable development

1. National action programmes shall be a central and integral part of the strategic planning framework for sustainable development of the affected country Parties of the northern Mediterranean.

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2. A consultative and participatory process, involving appropriate levels of government, local communities and non-governmental organizations, shall be undertaken to provide guidance on a strategy with flexible planning to allow maximum local participation, pursuant to article 10, paragraph 2 (f) of the Convention.

Article 4

Obligation to prepare national action programmes and timetable

Affected country Parties of the northern Mediterranean region shall prepare national action programmes and, as appropriate, subregional, regional or joint action programmes. The preparation of such programmes shall be finalized as soon as practicable.

Article 5

Preparation and implementation of national action programmes

In preparing and implementing national action programmes pursuant to articles 9 and 10 of the Convention, each affected country Party of the region shall, as appropriate:

- (a) designate appropriate bodies responsible for the preparation, coordination and implementation of its programme;
- (b) involve affected populations, including local communities, in the elaboration, coordination and implementation of the programme through a locally driven consultative process, with the cooperation of local authorities and relevant non-governmental organizations;
- (c) survey the state of the environment in affected areas to assess the causes and consequences of desertification and to determine priority areas for action;
- (d) evaluate, with the participation of affected populations, past and current

- programmes in order to design a strategy and elaborate activities in the action programme;
- (e) prepare technical and financial programmes based on the information gained through the activities in subparagraphs (a) to (d); and
 - (f) develop and utilize procedures and benchmarks for monitoring and evaluating the implementation of the programme.

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Article 6 **Content of national action programmes**

Affected country Parties of the region may include, in their national action programmes, measures relating to:

- (a) legislative, institutional and administrative areas;
- (b) land use patterns, management of water resources, soil conservation, forestry, agricultural activities and pasture and range management;
- (c) management and conservation of wildlife and other forms of biological diversity;
- (d) protection against forest fires;
- (e) promotion of alternative livelihoods; and
- (f) research, training and public awareness.

Article 7 **Subregional, regional and joint action programmes**

1. Affected country Parties of the region may, in accordance with article 11 of the Convention, prepare and implement subregional and/or regional action programmes in order to complement and increase the efficiency of national action programmes. Two or more affected country Parties of the region, may similarly agree to prepare a joint action programme between or among them.

2. The provisions of articles 5 and 6 shall apply *mutatis mutandis* to the preparation and implementation of subregional, regional and joint action programmes. In addition, such programmes may include the conduct of research and development activities concerning selected ecosystems in affected areas.

3. In preparing and implementing subregional, regional or joint action programmes, affected country Parties of the region shall, as appropriate:

- (a) identify, in cooperation with national institutions, national objectives relating to desertification which can better be met by such programmes and relevant activities which could be effectively carried out through them;
- (b) evaluate the operational capacities and activities of relevant regional, subregional and national institutions; and
- (c) assess existing programmes relating to desertification among Parties of the region and their relationship with national action programmes.

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Article 8
Coordination of subregional, regional and joint action programmes

Affected country Parties preparing a subregional, regional or joint action programme may establish a coordination committee composed of representatives of each affected country Party concerned to review progress in combating desertification, harmonize national action programmes, make recommendations at the various stages of preparation and implementation of the subregional, regional or joint action programme, and act as a focal point for the promotion and coordination of technical cooperation pursuant to articles 16 to 19 of the Convention.

Article 9
Non-eligibility for financial assistance

In implementing national, subregional, regional and joint action programmes, affected developed country Parties of the region are not eligible to receive financial assistance under this Convention.

Article 10
Coordination with other subregions and regions

Subregional, regional and joint action programmes in the northern Mediterranean region may be prepared and implemented in collaboration with those of other subregions or regions, particularly with those of the subregion of northern Africa.

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

*Signed at Washington, D.C., on 3 March 1973 Amended at Bonn, on 22 June 1979
Amended at Gaborone, on 30 April 1983*

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

Article II – Fundamental principles

1. Appendix I shall include all species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to endanger further their survival and must only be authorized in exceptional circumstances.

2. Appendix II shall include:

- (a) all species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and
- (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (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 purpose of preventing or restricting exploitation, and as needing the co-operation 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 reexport that the specimen was processed in that State or is being re-exported shall be accepted by the State of import as evidence that the provisions of the present Convention have been complied with in respect of the specimen concerned.

Article VI – Permits and certificates

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

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

3. Each permit or certificate shall contain the title of the present Convention, the name and any identifying stamp of the Management Authority granting it and a control number assigned by the Management Authority.

4. Any copies of a permit or certificate 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 transshipment 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 Article 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 travelling zoo, circus, menagerie, plant exhibition or other travelling 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 paragraph 2 or 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 centre 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, whenever it considers it desirable, consult the Secretariat in order to facilitate the decision under subparagraph (b) of this paragraph, including the choice of a rescue centre or other place.

5. A rescue centre 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 at 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 inter-governmental 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 Appendix 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 insofar 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 Appendix 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 control 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 subparagraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than thirty (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 ninety (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 or 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 amendment, immediately communicate it to the Parties, and, as soon as possible thereafter, its own recommendations.
- (d) Any Party may, within sixty (60) days of the date on which the Secretariat communicated its recommendations to the Parties under sub-paragraph (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 thirty (30) days of the date the replies and recommendations were communicated under the provisions of subparagraph (e) of this paragraph, the amendment shall enter into force ninety (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 sixty (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 ninety (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 ninety (90) days provided for by sub-paragraph (c) of paragraph 1 or subparagraph (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 subparagraph (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 ninety (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 thirty (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 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 ninety (90) days before the meeting.

3. An amendment shall enter into force for the Parties which have accepted it sixty (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 sixty (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 30th April 1973 and thereafter at Berne until 31st 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

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

2. 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.

3. 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.

4. In matters within their competence, such regional economic integration organizations shall exercise the rights and fulfil 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.

5. 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.

6. Any reference to “Party” in the sense used in Article I (h) of this Convention to “State”/“States” or to “State Party”/“State 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.

Article XXII – Entry into force

1. The present Convention shall enter into force ninety (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 ninety (90) days after the deposit by such State of its instrument of ratification, acceptance, approval or accession.

Article XXIII – Reservations

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

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

- (a) any species included in Appendix I, II or 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.

PASSED by the National Assembly this 6th day of August, 2025.

DR. GABRIEL G. G. MALEBANG,
Clerk of the National Assembly.