

SELECTED DOCUMENTS

UN / GA

Allocation of Loss in the Case of Transboundary Harm Arising Out of Hazardous Activities*

The General Assembly,**

Recalling that the International Law Commission at its fifty-third session completed the draft articles on prevention of transboundary harm from hazardous activities and recommended to the General Assembly the elaboration of a convention on the basis of the draft articles,

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1. Expresses its appreciation to the International Law Commission for its continuing contribution to the codification and progressive development of international law;
2. Takes note of the principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities, presented by the Commission, the text of which is annexed to the present resolution, and commends them to the attention of Governments;
3. Decides to include in the provisional agenda of its sixty-second session an item entitled "Consideration of prevention of transboundary harm from hazardous activities and allocation of loss in the case of such harm".

Annex

Principles on the allocation of loss in the case of transboundary harm arising out of hazardous activities

The General Assembly,

Reaffirming Principles 13 and 16 of the Rio Declaration on Environment and Development,

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Desiring to contribute to the development of international law in this field,

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Principle 1

Scope of application

The present draft principles apply to transboundary damage caused by hazardous activities not prohibited by international law.

Principle 2

Use of terms

For the purposes of the present draft principles:

- (a) "damage" means significant damage caused to persons, property or the environment; and includes:
 - (i) loss of life or personal injury;
 - (ii) loss of, or damage to, property, includ-

ing property which forms part of the cultural heritage;

(iii) loss or damage by impairment of the environment;

(iv) the costs of reasonable measures of reinstatement of the property, or environment, including natural resources;

(v) the costs of reasonable response measures;

(b) "environment" includes natural resources, both abiotic and biotic, such as air, water, soil, fauna and flora and the interaction between the same factors, and the characteristic aspects of the landscape;

(c) "hazardous activity" means an activity which involves a risk of causing significant harm;

(d) "State of origin" means the State in the territory or otherwise under the jurisdiction or control of which the hazardous activity is carried out;

(e) "transboundary damage" means damage caused to persons, property or the environment in the territory or in other places under the jurisdiction or control of a State other than the State of origin;

(f) "victim" means any natural or legal person or State that suffers damage;

(g) "operator" means any person in command or control of the activity at the time the incident causing transboundary damage occurs.

Principle 3 Purposes

The purposes of the present draft principles are:

(a) to ensure prompt and adequate compensation to victims of transboundary damage; and

(b) to preserve and protect the environment in the event of transboundary damage, especially with respect to mitigation of damage to the environment and its restoration or reinstatement.

Principle 4

Prompt and adequate compensation

1. Each State should take all necessary measures to ensure that prompt and adequate compensation is available for victims of transboundary damage caused by hazardous activities located within its territory or otherwise under its jurisdiction or control.

2. These measures should include the imposition of liability on the operator or, where appropriate, other person or entity. Such liability should not require proof of fault. Any conditions, limitations or exceptions to such liability shall be consistent with draft principle 3.

3. These measures should also include the requirement on the operator or, where appropriate, other person or entity, to establish and maintain financial security such

as insurance, bonds or other financial guarantees to cover claims of compensation.

4. In appropriate cases, these measures should include the requirement for the establishment of industry-wide funds at the national level.

5. In the event that the measures under the preceding paragraphs are insufficient to provide adequate compensation, the State of origin should also ensure that additional financial resources are made available.

Principle 5

Response measures

Upon the occurrence of an incident involving a hazardous activity which results or is likely to result in transboundary damage:

(a) the State of origin shall promptly notify all States affected or likely to be affected of the incident and the possible effects of the transboundary damage;

(b) the State of origin, with the appropriate involvement of the operator, shall ensure that appropriate response measures are taken and should, for this purpose, rely upon the best available scientific data and technology;

(c) the State of origin, as appropriate, should also consult with and seek the cooperation of all States affected or likely to be affected to mitigate the effects of transboundary damage and if possible eliminate them;

(d) the States affected or likely to be affected by the transboundary damage shall take all feasible measures to mitigate and if possible to eliminate the effects of such damage;

(e) the States concerned should, where appropriate, seek the assistance of competent international organisations and other States on mutually acceptable terms and conditions.

Principle 6

International and domestic remedies

1. States shall provide their domestic judicial and administrative bodies with the necessary jurisdiction and competence and ensure that these bodies have prompt, adequate and effective remedies available in the event of transboundary damage caused by hazardous activities located within their territory or otherwise under their jurisdiction or control.

2. Victims of transboundary damage should have access to remedies in the State of origin that are no less prompt, adequate and effective than those available to victims that suffer damage, from the same incident, within the territory of that State.

3. Paragraphs 1 and 2 are without prejudice to the right of the victims to seek remedies other than those available in the State of origin. ➤

* Resolution adopted during the 61st Session of the United Nations General Assembly. A/RES/61/36 (18 December 2006). See also page 272 and Environmental Policy and Law, Vol. 37 No. 1 (2007) on page 2.

** For the full text of this resolution please refer to *IPE Conservation in Sustainable Development*, Oceana Publications, Inc., Dobbs Ferry, New York.

4. States may provide for recourse to international claims settlement procedures that are expeditious and involve minimal expenses.

5. States should guarantee appropriate access to information relevant for the pursuance of remedies, including claims for compensation.

Principle 7 Development of specific international regimes

1. Where, in respect of particular categories of hazardous activities, specific global, regional or bilateral agreements would pro-

vide effective arrangements concerning compensation, response measures and international and domestic remedies, all efforts should be made to conclude such specific agreements.

2. Such agreements should, as appropriate, include arrangements for industry and/or State funds to provide supplementary compensation in the event that the financial resources of the operator, including financial security measures, are insufficient to cover the damage suffered as a result of an incident. Any such funds may be designed to supplement or replace national industry-based funds.

Principle 8 Implementation

1. Each State should adopt the necessary legislative, regulatory and administrative measures to implement the present draft principles.

2. The present draft principles and the measures adopted to implement them shall be applied without any discrimination such as that based on nationality, domicile or residence.

3. States should cooperate with each other to implement the present draft principles.



UNEP GC-24 / GMEF

Selected Decisions*

– Excerpts –

24/1: Implementation of decision SS.VII/1 on international environmental governance**

The Governing Council,

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Having considered the reports of the Executive Director on international environmental governance, on the measures taken for the implementation of the Bali Strategic Plan for Technology Support and Capacity-building and a proposal for the further implementation of the Plan in the 2008–2009 biennium and on strengthening the scientific base of the United Nations Environment Programme,

I Universal membership of the Governing Council/Global Ministerial Environment Forum

1. **Takes note** of General Assembly resolution 61/205 of 20 December 2006 in which the General Assembly decided to consider, if necessary, the issue of universal membership of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme at its sixty-fourth session, while noting the differences in views expressed so far on this important but complex issue;

V Issues related to multilateral environmental agreements

19. **Takes note** of the activities undertaken by the Executive Director to improve the effectiveness of, and the coordination and synergy among, multilateral environmental agreements, as well as those activities supporting Governments in their efforts to better implement, comply with and enforce multilateral environmental agreements, taking into account the autonomous decision-making authority of the conferences of the parties to such agreements and the need to promote the environmental dimension of

sustainable development among other relevant United Nations bodies;

20. **Welcomes** the work of the United Nations Environment Programme to support developing countries and countries with economies in transition in order to facilitate further their implementation of multilateral environmental agreements;

21. **Requests** the Executive Director to build capacity and, upon request, to assist countries, particularly developing countries and countries with economies in transition, to integrate the objectives of multilateral environmental agreements into national sustainable development strategies, including poverty reduction strategy papers;

22. **Also requests** the Executive Director to assist Governments, where appropriate, to develop strategies for facilitating the implementation of multilateral environmental agreements at the national level;

23. **Welcomes** the decisions of the conference of the parties to the Stockholm Convention on Persistent Organic Pollutants at its second meeting, the conference of the parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade at its third meeting and the conference of the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at its eighth meeting to address the issue of further improving cooperation and coordination among the three conventions and, to that end, to establish an *ad hoc* joint working group consisting of selected Parties to the respective conventions;

24. **Requests** the Executive Director to cooperate with the Stockholm, Rotterdam and Basel Conventions to enhance synergies between the relevant programme activities of the United Nations Environment Programme and the programme activities to be carried out under those conventions;

VI Enhanced coordination across the United Nations system, including the Environment Management Group

25. **Recognizes** the role of the United Nations Environment Programme in en-

hanced coordination and collaboration across the United Nations system in order to achieve greater coherence in environmental activities;

26. **Requests** the Executive Director to continue to promote coordination across the United Nations system on environmental activities, in particular those relevant to the operations of the United Nations system, keeping in mind paragraphs 36 and 37 of the appendix to decision SS.VII/1, through the work of the Environment Management Group.

24/3: Chemicals management**

The Governing Council,

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Having considered the report of the Executive Director on chemicals management,

I Cooperation between the United Nations Environment Programme, relevant multilateral environmental agreements and other organisations

1. **Reinforces** the applicability of decision 24/1 to the effective management of chemicals;

II Strategic Approach to International Chemicals Management

2. **Welcomes** the progress made so far in implementing the Strategic Approach to International Chemicals Management, especially the establishment of the Quick Start Programme to support initial capacity-building activities and the regional meetings held so far or planned, and takes note of the African regional action plan adopted by the participants in the first African regional meeting on the Strategic Approach to International Chemicals Management, which took place from 11 to 14 September 2006;

3. **Also welcomes** the important contributions of the United Nations Environment Programme to the Strategic Approach process;

4. **Expresses appreciation** for the co-responsibility of the World Health Organisation in the Strategic Approach secretariat

* Decided on 9th February 2007. See also page 268.

** For the full text of this decision please refer to *IPE Conservation in Sustainable Development*, Oceana Publications, Inc., Dobbs Ferry, New York.

and its belief that such cooperation is of the utmost importance for the success and the intersectoral nature of the Strategic Approach;

5. **Underlines** the importance of the Strategic Approach, its overarching goal and its effective implementation and therefore urges all stakeholders to integrate the Strategic Approach into their activities as a priority;

6. **Urges** Governments, intergovernmental organisations, non-governmental organisations and others in a position to do so to contribute financially and in kind to the Quick Start Programme and its trust fund;

7. **Takes note of** the United Nations Environment Programme's plan of work in support of the implementation of the Strategic Approach and requests the Executive Director to encourage the full participation of Governments and other stakeholders in that plan of work, including initiatives related to indicators and tools for evaluation, and to report on progress to the Governing Council/Global Ministerial Environment Forum at its twenty-fifth session;

8. **Encourages** the Strategic Approach secretariat to explore ways to make more effective use of the funding provisions of the Overarching Policy Strategy of the Strategic Approach to identify those areas that can support implementation of appropriate and relevant objectives of the Strategic Approach;

9. **Requests** the Executive Director to report to the Governing Council/Global Ministerial Environment Forum at its tenth special session on the results of the activities undertaken in accordance with the preceding paragraph;

10. **Also requests** the Executive Director to continue to make provision for the implementation of the United Nations Environment Programme's responsibilities under the Strategic Approach;

11. **Further requests** the Executive Director to continue the collaboration between the United Nations Environment Programme and other participating organisations of the Inter-Organisation Programme for the Sound Management of Chemicals and to prepare a report for consideration by the Governing Council/Global Ministerial Environment Forum at its tenth special session on endeavours by the Inter-Organisation Programme for the Sound Management of Chemicals in implementing the Strategic Approach;



III Lead and cadmium

12. **Acknowledges** the data and information gaps identified in the United Nations Environment Programme Interim Scientific Reviews on Lead and Cadmium and that further action is needed to fill those data and information gaps, taking into account the specific situation of developing countries and countries with economies in transition;

13. **Encourages** efforts by Governments and others to reduce risks to human health and the environment of lead and cadmium throughout the whole life cycle of those substances;

14. **Requests** the Executive Director to provide available information on lead and cadmium to address the data and information

gaps identified in the Interim Reviews and to compile an inventory of existing risk management measures;

IV Mercury

15. **Acknowledges** the progress made within the United Nations Environment Programme mercury programme since 2005, including the establishment of and progress made under partnerships and other initiatives;

16. **Recognizes** that current efforts to reduce risks from mercury are not sufficient to address the global challenges posed by mercury;

17. **Concludes**, therefore, that further long-term international action is required to reduce risks to human health and the environment and that, for this reason, the options of enhanced voluntary measures and new or existing international legal instruments will be reviewed and assessed in order to make progress in addressing this issue;

18. **Recognizes** that a range of activities are required to address the challenges posed by mercury, including substitution of products and technologies; technical assistance and capacity-building; development of national policy and regulation; data collection, research and information provision, bearing in mind the need to provide assistance to developing countries and countries with economies in transition;

19. **Commits** to increased efforts to address the global challenges to reduce risks from releases of mercury, taking into account the following priorities:

(a) To reduce atmospheric mercury emissions from human sources;

(b) To find environmentally sound solutions for the management of waste containing mercury and mercury compounds;

(c) To reduce global mercury demand related to use in products and production processes;

(d) To reduce the global mercury supply, including considering curbing primary mining and taking into account a hierarchy of sources;

(e) To find environmentally sound storage solutions for mercury;

(f) To address, considering the results of the analysis referred to in paragraph 22 (d) below, the remediation of existing contaminated sites affecting public and environmental health;

(g) To increase knowledge on areas such as inventories, human and environmental exposure, environmental monitoring and socio-economic impacts;

20. **Urges** Governments to gather information on means to reduce risk that may be caused by the supply of mercury, considering:

(a) Reduced reliance on primary mercury mining in favor of environmentally preferable sources of mercury such as recycled mercury;

(b) Options and solutions for the long-term storage of mercury;

(c) Regional activities to improve data on imports and exports of mercury and enforcement of customs control through, for example, the Green Customs initiative;

(d) The market and socio-economic effects of the activities contemplated above;

21. **Urges** Governments to provide the information referred to in the preceding paragraph to the Executive Director;

22. **Also urges** Governments to develop and analyse options for addressing the trade and supply of mercury, including considering environmentally sound storage and curbing primary mining, drawing on the United

Nations Environment Programme report on mercury supply, trade, and demand, and to provide this information to the Executive Director;

23. **Urges** developing countries to request technical assistance if needed from the United Nations Environment Programme to assist them with the work referred to in the preceding paragraph;

24. **Requests** the Executive Director to prepare a report, drawing on, among other things, ongoing work in other forums addressing:

Atmospheric emission

(a) Best available data on mercury emissions and trends including where possible an analysis by country, region and sector, including a consideration of factors driving such trends and applicable regulatory mechanisms;

(b) Current results from modelling on a global scale and from other information sources on the contribution of regional emissions to deposition which may result in adverse effects and the potential benefits from reducing such emissions, taking into account the efforts of the Fate and Transport partnership established under the United Nations Environment Programme mercury programme;

(c) An overview of sector-based best practices for reducing mercury emissions, including costs where possible and an evaluation of emission reduction scenarios;

Site-based contamination

(d) An analysis of information on the extent of contaminated sites, the risks to public and environmental health of mercury compound releases from such sites, environmentally sound mitigation options and associated costs and the contribution of contaminated sites to global releases;

25. **Requests** the Executive Director to continue to facilitate work between the mercury programme of the United Nations Environment Programme and Governments, other international organisations, non-governmental organisations, the private sector and the partnerships established under the mercury programme, as appropriate:

(a) To improve global understanding of international mercury emissions sources, fate and transport;

(b) To promote the development of inventories of mercury uses and emissions;

26. **Urges** Governments and other stakeholders to continue and enhance their support of the UNEP mercury programme partnerships, through the provision of technical and financial resources, as a means to achieve reductions in demand for and releases of mercury and thereby to reduce the risks to human health and the environment from mercury;

27. **Requests** the Executive Director, working in consultation with Governments and other stakeholders, to strengthen the United Nations Environment Programme mercury programme partnerships by:

(a) Developing an overarching framework for the United Nations Environment Programme Global Mercury Partnership through, among other means, organizing a meeting of partners and other stakeholders, including:

(i) Development of business plans;

(ii) Identification of partnership goals;

(iii) Development of operational guidelines;

(b) Expanding the number and scope of partnerships to include new, growing or related sectors such as vinyl chloride monomer production, non-ferrous metals mining

and cement production and waste combustion;

(c) Enhancing the artisanal and small-scale gold mining partnership through, among other things, increased cooperation with the United Nations Industrial Development Organisation, exploration of innovative market-based approaches and dissemination of alternative capture and recycling technologies;

(d) Endeavouring to secure adequate funds for the Global Mercury Partnership efforts.

28. **Decides**, further, to establish an *ad hoc* open-ended working group of Governments, regional economic integration organisations and stakeholder representatives to review and assess options for enhanced voluntary measures and new or existing international legal instruments.

29. **Decides** that the *ad hoc* open-ended working group will be guided by the priorities set out in paragraph 19;

30. **Adopts** the following terms of reference for the *ad hoc* open-ended working group:

(a) Consider the reports and information referred to in paragraphs 20 and 22 and a compilation by the Executive Director of other available relevant information;

(b) Examine, for each of the priorities set out in paragraph 19:

(i) The range of available response measures and strategies;

(ii) The feasibility and effectiveness of voluntary and legally binding approaches;

(iii) Implementation options;

(iv) Costs and benefits of response measures and strategies;

(c) Also examine each of these response measures and strategies with respect to, among other things, the following considerations:

(i) The respective capacities and capabilities of developed and developing countries and countries with economies in transition;

(ii) The need for capacity-building, technical assistance, technology transfer and suitable sources of finance;

31. **Invites** Governments to consider convening national and regional preparatory workshops, involving relevant stakeholders;

32. **Decides** that the *ad hoc* open-ended working group will:

(i) Meet twice: once before the tenth special session of the Governing Council/Global Ministerial Environment Forum and once between that special session and the Council/Forum's twenty-fifth regular session;

(ii) Provide a progress report to the Governing Council/Global Ministerial Environment Forum at its tenth special session and a final report reflecting all views expressed, presenting options and any con-

sensus recommendations to the Council/Forum at its twenty-fifth regular session;

33. **Decides** that the Governing Council/Global Ministerial Environment Forum at its tenth special session may provide further guidance to the *ad hoc* open-ended working group;

34. **Also decides** to consider the outcomes of the work of the *ad hoc* open-ended working group at its twenty-fifth regular session, with a view to taking a decision on the final report;

35. **Requests** the Executive Director to compile other available relevant information for consideration by the *ad hoc* open-ended working group;

36. **Invites** Governments and others in a position to do so to provide extrabudgetary resources for the implementation of the present decision, in particular with regard to the participation of developing countries and countries with economies in transition in the *ad hoc* working group;

37. **Requests** the Chemicals Branch of the United Nations Environment Programme's Division of Technology, Industry and Economics to serve the *Ad Hoc* Working Group as secretariat and to prepare the analytical and summary reports necessary for its work;

38. **Requests** the Executive Director to present a report on progress in the implementation of the present decision to the Governing Council at its twenty-fifth session.

The Ministerial Consultations on United Nations Reform*

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13. Ministers presented and discussed various options for action for consideration by Governments, UNEP and the international community. The options enumerated below reflect views expressed during the discussions. Their inclusion does not mean that they are without controversy or that each option has been fully considered by each Government. They provide for Governments, UNEP and the international community a fertile source of ideas from which to undertake further exploration.

A. Context

14. The current discussions on environmental governance take place in the framework of United Nations reform measures approved by heads of State and Government in the 2005 World Summit Outcome. Paragraph 169 of the Outcome document sets out areas for further reflection on the current institutional framework of United Nations environment work. These areas include: enhanced coordination; improved policy advice and guidance; strengthened scientific knowledge, assessment and cooperation; better treaty compliance, while respecting the legal autonomy of the treaties; and better integration of environmental activities in the broader sustainable development framework at the operational level, including through capacity-building.

15. The General Assembly established an informal consultative process to consider these areas, which commenced in March 2006. At the same time the Secretary General, as mandated by paragraph 169, convened a High-level Panel on System Wide Coherence in the areas of development, humanitarian assistance and the environment. The report of the Panel has been transmitted to the General Assembly, but has yet to be considered.

16. The informal consultative process in the General Assembly culminated in a co-chairs summary which has formed the basis for further consultations that commenced in January 2007. The backdrop to the discussions on improved environmental governance finds its genesis in the "Cartagena Outcome" contained in UNEP Governing Council decision SS.VII/1 on international environmental governance, adopted in February 2002.

17. The aim of the panel and roundtable discussions at the current session was to provide further impetus to implementation of the Bali Strategic Plan and UNEP partnerships with other United Nations system entities, as well as to provide input to the ongoing and forthcoming discussions in the General Assembly.

B. Plenary sessions

18. The discussion commenced in a plenary session entitled "Overview", with an introduction by one of the co-chairs of the General Assembly informal consultative process, following which panellists from Germany, India and the United States of America intervened. It was emphasized

that environmental challenges needed to be integrated into development planning and economic strategies. Implementation of the Bali Strategic Plan would assist in this regard, as would encouraging new partnerships between UNEP, UNDP, UNIDO and others in the United Nations system.

19. Support was expressed for a reformed United Nations institution for the environment as well as for an increase in its financial resources. Complex, growing and interlinked environmental challenges urgently require coordinated responses, including in policy sectors other than environment. A variety of measures were discussed, including better coordination among the institutions currently involved in the environment, more cooperation with multilateral agencies with economic and developmental mandates, strengthening UNEP or upgrading it into a specialized agency with the commensurate authority to foster better coordination, and the establishment of a new United Nations environment organisation. The introductory plenary session set the stage for six ministerial round table discussions that explored the challenges, opportunities and possible improvements with respect to environmental governance.

20. At a concluding plenary session, entitled "Feedback", ministers and heads of delegation heard from a number of panellists including ministers from Congo, Norway and the United Kingdom of Great Britain and Northern Ireland, as well as representatives from WWF International, IDDRI and the Third World Network. They pointed out that

* Part II of the Presidents Summary of the Roundtables and their Contribution (Nairobi, 5-9 February 2007). See also page 271.

the urgency and magnitude of environmental problems had outgrown the capacity of existing institutions and that meant that a United Nations environment organisation or a strengthened UNEP was necessary. It was underscored that the Secretary General of the United Nations should take urgent steps to advance this process in the United Nations General Assembly. It was mentioned that a reformed United Nations institution for the environment should have closer relations with the World Bank and the World Trade Organisation. In reference to the report of the High-level Panel on System Wide Coherence in the areas of development, humanitarian assistance and the environment, it was suggested that UNEP should co-chair the proposed sustainable development board.

21. It was further stressed that United Nations reform should provide greater opportunities for developing countries and civil society to contribute more towards international governance. The United Nations must reflect the current reality that its vast membership is from the developing countries and therefore must ensure that its governance structures and decision making respond to this reality.

C. Challenges

22. There was wide agreement that while the international community had created a variety of bodies to deal with environmental issues, deterioration of natural resources had not been successfully halted or reversed. Uncoordinated approaches at the global, regional and national levels, as well as duplication and fragmentation of mandates, had exacerbated this situation.

23. Lack of coordination was not limited to the United Nations system, but also involved Governments, the private sector and civil society. In the United Nations system the respective mandates of the various agencies, funds and programmes should be better coordinated.

24. There is increased recognition that environmental issues are interlinked not only with development and sustainable economic growth, but also with trade, agriculture, health, peace and security and that these interlinkages increased the need for global environmental leadership.

25. While UNEP, as the environmental pillar of the United Nations system, has achieved important results in discharging its mandate, a lack of sufficient and stable funding has hampered its ability to address emerging threats. The magnitude and severity of environmental challenges in relation to climate change, biodiversity loss and the degradation of ecosystem services threaten to overwhelm the United Nations response and are already constraining prospects for economic development in many countries and regions.

26. The need for predictable resources for UNEP to effectively fulfil its mandate and the expectations of the international community was, however, only one problem that needed to be addressed. With regard to the Global Environment Facility, the roles of the implementing agencies required more attention, as did the relationship between UNEP, UNDP and the World Bank on the one hand and the multilateral environmental agreements on the other.

27. Mainstreaming gender in addressing environmental deterioration continued to present a challenge, as did equity concerns relating to costs associated with the nega-

tive impacts of unsustainable management of the environment. These areas require further reflection.

28. With regard to changes to the institutional structures that deal with the environment, a number of countries said that there was a need to discuss the issue of the restructuring of UNEP based on a detailed proposal with the basic elements required to strengthen global environmental governance, including various options and with specific reference to the role of UNEP, and that such a detailed proposal should be formulated for consideration by Governments.

29. There is often a lack of coordination among relevant government ministries with responsibility for the environment at the national level. Implementation of multilateral environmental agreement obligations at the domestic level is often hampered by a lack of capacity. Many Governments feel burdened by a proliferation of reporting requirements, a drain on technical expertise and a multitude of international meetings.

D. Opportunities

30. The current United Nations reform process presented an opportunity for strengthening United Nations environmental activities; options for reforming or upgrading UNEP should be seen in this context. A steady increase in the political attention being accorded to the environment has supported this process and there is growing recognition that environmental sustainability can not be de-linked from sustainable development and economic growth. Mainstreaming the environment across other sectors, and in the process enhancing the role of environment ministries, would allow such integration.

31. The view was expressed that there was a need for greater effectiveness in disseminating existing knowledge available in scientific institutions and for UNEP to improve its scientific base, as well as its monitoring, assessment and early warning capacity. UNEP should also expand its partnerships with the private sector and civil society and incorporate results-based management.

32. Full implementation of the Bali Strategic Plan was stressed as a vehicle to assist developing countries in building their capacities to address environmental challenges. This would require additional funding and an emphasis on partnerships between UNEP, the United Nations system and other relevant stakeholders.

33. Strong support was expressed for the increase in cooperation between UNEP and UNDP, as it would address requests for UNEP to have an operational capacity and enhance effectiveness in environmental capacity-building. The ongoing pilot programmes jointly undertaken by UNEP and UNDP could be expanded to tackle complex subregional environmental challenges.

34. Some suggestions focused on the need for UNEP to have a country presence on a temporary basis as required or through UNDP representation. It was also proposed that United Nations resident coordinators should ensure joint programming and full integration of environmental dimensions in project activities.

E. Possible options/improvements for environmental governance

35. Proposals were made for UNEP to receive greater political authority and for it to have the ability better to coordinate global responses to environmental threats and re-

gional and national implementation. Some suggestions related to an enhanced role for UNEP as the United Nations authority on environment in increasing the coherence of the implementation of multilateral environmental agreements at the national level, while its regional offices could be strengthened better to take into account regional environmental needs. Some suggestions focused on UNEP establishing regional centres for capacity-building and technology transfer.

36. Various ideas were voiced on whether clustering of multilateral environmental agreements could bring about synergies and coherence. These ranged from sectoral clustering to administrative improvements. Some suggestions centred on the role that UNEP could play in ensuring programmatic interlinkages and synergies among multilateral environmental agreements, while proposals were also made that would require the governing bodies of multilateral environmental agreements to explore the frequency of meetings, rationalisation of knowledge management and the development of a consistent and methodological approach to enforcement and compliance measures.

37. With regard to improving institutional structures it was widely agreed that any new or improved entity should be based in Nairobi and should build on the current strengths of UNEP. Some suggestions favoured the strengthening of UNEP within its current mandate, while there was significant support for upgrading UNEP to a specialized agency. With regard to the proposal to establish a United Nations environment organisation, however, a divergence of opinions persists.

38. While some are of the view that such an organisation could provide better political guidance, legitimacy and effective coordination, others remain unconvinced that it is necessary or desirable, that funding for a new institution would be at higher levels than UNEP has at present or that it would ensure efficiencies. Continued discussions on the possible establishment of a United Nations environment organisation, which would also be part of the United Nations system, should not detract from the current need to strengthen UNEP. In that regard it was important to elucidate the functions required to be delivered before agreeing on the form that any such institution might take. Other views expressed took into account the various mandates that exist in the field of the environment and the possibility that an umbrella type arrangement could facilitate synergies, coordination and inter-linkages. A reformed or upgraded UNEP could fulfil this role.

39. Discussions have demonstrated the need for greater precision in the future deliberations on the United Nations environment reform exercise. In that regard ministers took note of the growing consensus in areas where forward movement is possible and options for such progress to be developed in the next several months. They also undertook, as stewards of environmental sustainability in their respective countries, to provide leadership and proposals for taking the United Nations reform process forward. A number of countries requested that the Executive Director assist them through regional and other mechanisms in obtaining relevant information to enable them to engage meaningfully in efforts to strengthen UNEP.



Carpathian Convention / MOP-1

Declaration*

We, the Ministers and High Representatives of the seven Parties and Signatories to the Framework Convention on the Protection and Sustainable Development of the Carpathians (hereafter Carpathian Convention), the Czech Republic, the Republic of Hungary, the Republic of Poland, Romania, the Republic of Serbia, the Slovak Republic and Ukraine, gathering in Kyiv on 13 December 2006, for the First Meeting of the Conference of the Parties to the Carpathian Convention;

Reaffirming the commitment to implement the Rio Declaration on Environment and Development, the Johannesburg Declaration on Sustainable Development, other internationally agreed development goals, including the Millennium Development Goals as contained in the United Nations Millennium Declaration as the overall policy frameworks for sustainable development;

Recalling the UN General Assembly resolutions proclaiming and celebrating the International Year of Mountains in 2002 drawing attention of governments, organisations and individuals to the particular role mountains play for biodiversity, wildlife and cultural heritage preservation, water and energy supply, providing benefits for a significant proportion of humanity, in both mountain and lowland areas;

Appreciating the International Partnership for Sustainable Development in Mountain Regions ("Mountain Partnership") as an important platform for cooperation and experience-sharing between mountain regions of the world;

Underlining that the Carpathian Convention is an important instrument to enhance the protection and sustainable development of the Carpathian region, based on its exceptional natural and cultural heritage.

Have expressed the following:

Achievements

We express our satisfaction with the entry into force of the Carpathian Convention on 4 January 2006 and underline our commitment to faithfully implement the Carpathian Convention;

We note with satisfaction that the Carpathian Convention unites seven Carpathian countries in a unique partnership, providing a transnational framework for cooperation and multisectoral policy integration, an open forum for participation by stakeholders and the public, and a platform for developing and implementing transnational strategies, programmes and projects for protection and sustainable development;

We recognize the important political support provided by the European Community and its Member States to the implementation of the Carpathian Convention through the EU INTERREG III B CADSES "Carpathian Project". We furthermore appreciate the contribution of the other organisations and institutions to the implementation of the Carpathian Convention as

reflected in the section on Cooperation and Partnerships;

We appreciate the activities of the interim Secretariat provided by UNEP in Vienna in preparation of COP 1, and welcome its activities in the development and leading of the Carpathian Project;

We underline the importance of the Carpathian Convention as an instrument to enhance the protection and sustainable development of the Carpathian region, based on its exceptional natural and cultural heritage of global importance.

Challenges

We are aware that the Carpathian region represents a unique and dynamic living environment, ecologically valuable and rich of cultural heritage, having enormous ecological and economic potential,



The Forum

Courtesy: H. Egerer

but currently facing rapid environmental, social and political changes;

We note with concern that unbalanced and spontaneous development patterns in the Carpathian region can lead to loss of traditional knowledge and values, livelihoods, and local practices;

We emphasize that more environmentally-friendly practices and technologies will need to be implemented, along with appropriate policies to support the development of sustainable transport, organic farming, energy efficiency, renewable energy sources, sustainable forest management and sustainable tourism, creating new jobs in these sectors. Regional policy coherence and consistency between national policies are among the major prerequisites to achieve sustainability in the Carpathians;

We are aware that the challenge is to preserve and valorise the region's potential, specificity and uniqueness, while increasing its sustainability. This will require responsible actions, taking into account global, regional and transboundary contexts and linkages, in order to enhance both the Carpathian environment and human livelihoods;

We underline that the process of enlargement of the European Union provides the opportunity to strengthen the environmental protection and sustainable development in the Carpathian region, through the application and implementation of EU policies, programmes and legislation.

Cooperation and Partnerships

We recall with appreciation that the Alpine States have actively supported the development of the Carpathian Convention, and welcome the signature of the Memorandum of Understanding for the cooperation between the Alpine Convention and the Carpathian Convention;

We express our gratitude to the Government of Austria for its support to the Carpathian Convention, notably by continuing to host and co-finance the Secretariat of the Carpathian Convention on an interim basis;

We appreciate the continued support of the Italian Ministry of Environment, Land and Sea, and the efficient cooperation and partnership with UNEP, the European Academy EURAC in Bolzano, Italy, and the Regional Environmental Centre (REC);

We appreciate the successful cooperation with the FAO (Food and Agriculture Organisation), which resulted in the assessments of the SARD-M (sustainable agriculture and rural development in mountains);

We note with appreciation the contribution of the Carpathian Environmental Outlook (KEO), to develop a holistic, integrated and strategic environmental assessment of key issues in the Carpathian region for the implementation of the Carpathian Convention;

We appreciate the efforts of the Visegrad Group countries (the Czech Republic, the Republic of Hungary, the Republic of Poland and the Slovak Republic) to foster the dialogue with the European Commission;

We encourage full participation and involvement of the Carpathian communities in decision-making and implementation of relevant development policies, in accordance with the Aarhus principles;

We note that the experiences of cooperation of the "Alpine Space" reveal the need for long-lasting commitment and structural support by the European Union, to fully benefit from the considerable potential of the mountains for regional development;

We express our conviction that cooperation with and support from the European Community and its Member States will be crucial to the development of the "Carpathian Space", as an area of economic, social and environmental progress and sustainability in the heart of Europe, building on the region's advantages and potentials, and addressing the challenges of mountain regions in an innovative and coordinated manner;

We invite the European Community to accede to the Carpathian Convention and also invite the European Community and its Member States to join the transnational platform of the Carpathian countries, and to continue to support the protection and sustainable development of the "Carpathian Space" through relevant instruments and programmes.

Done in Kiev, Ukraine, 13 December 2006.

* See also page 341.