

**Committee on Trade and Environment**  
**Committee on Trade and Environment Special Session**

**MATRIX ON TRADE MEASURES PURSUANT TO SELECTED  
MULTILATERAL ENVIRONMENTAL AGREEMENTS**

Note by the Secretariat

*This document has been prepared under the Secretariat's own responsibility and without prejudice to the positions of Members and to their rights and obligations under the WTO.*

1. This update of the Matrix on trade-related measures has been prepared in response to a request by Members in the Committee on Trade and Environment in Special Session at its meeting on 12-13 February 2003. It provides information on the same 14 Multilateral Environmental Agreements (MEAs) that were covered in the previous version of the Matrix.<sup>1</sup> The Secretariat has prepared this Matrix in cooperation with the Secretariats of the relevant MEAs.<sup>2</sup>
2. The Matrix is organized into six Sections and two Annexes.
3. **Section I** describes briefly each MEA, providing information on the following:
  - 1) Website;
  - 2) Objective of the MEA;
  - 3) Date of Signature/Adoption;
  - 4) Entry into force (Date/Provision);
  - 5) Number of parties to the MEA;
  - 6) Number of WTO Members party to the MEA;
  - 7) Openness of Membership;
  - 8) Decision-Making Bodies; and
  - 9) Provisions relating to Amendments and Protocols.

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<sup>1</sup> WT/CTE/W/160/Rev.1, 14 June 2001.

<sup>2</sup> The Secretariats of the respective MEAs were asked to confirm and complete the information contained in the Matrix. However, the WTO Secretariat takes full responsibility for any errors or omissions that this document may contain.

4. **Section II** contains information on the trade-related measures of each MEA, notably on requirements or restrictions on imported or exported products, or the process of their importation or exportation. Information under this section is divided, where applicable, in two sub-sections:

- 1) Provisions of the MEA, and
- 2) Decisions of the Decision-Making Bodies.

5. **Section III** provides information on supportive measures, such as technology transfer, and financial or technical assistance provided under the provisions of the MEA.

6. **Section IV** explains the mechanism set out in the MEA for non-compliance of a party.

7. **Section V** lists the dispute settlement mechanisms in the MEA and indicates whether there have been any disputes to date.

8. **Section VI** sets out any provisions relating to non-parties to the MEA.

9. **Annex 1** gives a comparative table of the membership in the WTO and in MEAs.

10. **Annex 2** lists MEAs which contain potential trade measures.

11. Under each section, MEAs are listed chronologically, by date of signature/adoption. In the tables, relevant provisions of the MEAs are provided, and additional information and/or explanations are indicated by an arrow.

12. The Secretariat will continue to update this Matrix periodically in light of further developments, and welcomes comments and suggestions from Members and MEA secretariats.

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## GLOSSARY OF TERMS

CCAMLR	Convention on the Conservation of Antarctic Marine Living Resources
CBD	Convention on Biological Diversity
CDM	Clean Development Mechanism
CFCs	Chlorofluorocarbons
CITES	Convention on the International Trade in Endangered Species of Wild Fauna and Flora
COP	Conference of the Parties
EEZ	Exclusive Economic Zone
GEF	Global Environment Facility
GHGs	Greenhouse gases
HCFCs	Hydrochlorofluorocarbons
ICCAT	International Commission for the Conservation of Atlantic Tunas
ICJ	International Court of Justice
ITLOS	International Tribunal of the Law of the Sea
IPPC	International Plant Protection Convention
ITTA/ITTO	International Tropical Timber Agreement/Organization
IUCN	World Conservation Union
LMOs	Living modified organisms
MEAs	Multilateral environmental agreements
MCP	Multilateral Consultative Process
MOP	Meeting of the Parties
MP	Montreal Protocol on Substances that Deplete the Ozone Layer
ODS	Ozone-depleting substances
PIC	Prior informed consent procedure
POPs	Persistent organic pollutants
RFMOs	Regional Fisheries Management Organizations
UNCLOS	United Nations Convention on the Law of the Sea
UNFCCC	United Nations Framework Convention on Climate Change

## I. BRIEF DESCRIPTION OF THE MEAS

### A. INTERNATIONAL PLANT PROTECTION CONVENTION

13. The International Plant Protection Convention (IPPC) was adopted in November 1951 and entered into force in April 1952 (IPPC 1951). It was revised in 1979 (IPPC 1979). The 1979 revised text came into force in April 1991 and is the text currently in force with respect to all contracting parties. It was further amended in 1997 (the 1997 Amendments); these amendments have not yet entered into force. However, when adopting the 1997 Amendments, the Conference Food and Agriculture Organization of the United Nations (FAO), also agreed on the implementation of some of the amendments, on an interim basis. Therefore, provisions of IPPC 1979 and of the 1997 Amendments will be referred to hereafter.

	IPPC 1979	1997 AMENDMENTS
<b>Website</b>	→ <a href="http://www.ippc.int">www.ippc.int</a>	
<b>Objective</b>	<p>→ The IPPC is an international treaty for plant protection. Its purpose is to "secur[e] common and effective action to prevent the spread and introduction of pests of plants and plant products, and to promote appropriate measures for their control", i.e. (See 1997 Amendments, Article I).</p> <p>→ Although the IPPC has strong implications for international trade, its focus is international cooperation for plant protection. Many forms of cooperation fall within the scope of the Convention. Its application to plants is not limited to the protection of cultivated plants or direct damage from pests. The scope of the Convention extends to the protection of cultivated and natural flora, as well as plant products, and includes direct and indirect damage by pests.</p> <p>→ The Preamble recognizes that phytosanitary measures should be technically justified, transparent and should not be applied in such a way as to constitute either a means of arbitrary or unjustified discrimination or a disguised restriction, particularly on international trade; it also takes note of the Agreements concluded as a result of the Uruguay Round of Multilateral Trade Negotiations, including the SPS Agreement.</p>	
<b>Date of Adoption</b>	November 1979	November 1997
<b>Entry into force</b>	4 April 1991	Not in force (Entry into force requires acceptance by two-thirds of the contracting parties). (See Article XII:4 of IPPC 1979 below)
	<b>1) Entry into Force: General</b>	
	<b>Article XIV – Entry into force</b> "As soon as this Convention has been ratified by three signatory states it shall come into force between them. It shall come into force for each state ratifying or adhering thereafter from the date of deposit of its instrument of ratification or adherence".	<b>Article XXII – Entry into force</b> "As soon as this Convention has been ratified by three signatory states it shall come into force among them. It shall come into force for each state or member organization of FAO ratifying or adhering thereafter from the date of deposit of its instrument of ratification or adherence".
	<b>2) Entry into Force of Amendments</b>	
	<b>Article XII:4 – Amendment</b> "4. Any such proposed amendment of this Convention shall require the approval of the Conference of FAO and shall come into force as from the thirtieth day after acceptance by two-thirds of the contracting parties. Amendments involving new obligations for contracting parties, however, shall come into force in respect of each contracting party only on acceptance by it and as from the thirtieth day after such acceptance".	<b>Article XXI:4 – Amendment</b> "4. Any such proposed amendment of this Convention shall require the approval of the Commission and shall come into force as from the thirtieth day after acceptance by two-thirds of the contracting parties. For the purpose of this Article, an instrument deposited by a member organization of FAO shall not be counted as additional to those deposited by member states of such an organization".

	IPPC 1979	1997 AMENDMENTS
<b>Parties</b>	120	So far, 44 states have accepted the 1997 Amendments.
<b>WTO Members</b>	99 Parties to IPPC are also WTO Members.	38 states that have accepted the 1997 Amendments are also WTO Members.
<b>Openness of membership</b>	<p><b>IPPC 1979: Article XI – Ratification and adherence</b></p> <p>"1. This Convention shall be open for signature by all states until 1 May 1952 and shall be ratified at the earliest possible date. The instruments of ratification shall be deposited with the Director-General of FAO, who shall give notice of the date of deposit to each of the signatory states.</p> <p>2. As soon as this Convention has come into force in accordance with Article XIV, it shall be open for adherence by non-signatory states. Adherence shall be effected by the deposit of an instrument of adherence with the Director-General of FAO, who shall notify all signatory and adhering states".</p>	<p><b>Article XVII – Ratification and adherence</b></p> <p>1. <i>Ibid.</i> IPPC 1979.</p> <p>2. <i>Ibid.</i> IPPC 1979.</p> <p>"3. When a member organization of FAO becomes a contracting party to this Convention, the member organization shall, in accordance with the provisions of Article II paragraph 7 of the FAO Constitution, as appropriate, notify at the time of its adherence such modifications or clarifications to its declaration of competence submitted under Article II paragraph 5 of the FAO Constitution as may be necessary in light of its acceptance of this Convention. Any contracting party to this Convention may, at any time, request a member organization of FAO that is a contracting party to this Convention to provide information as to which, as between the member organization and its member states, is responsible for the implementation of any particular matter covered by this Convention. The member organization shall provide this information within a reasonable time".</p>
<b>Decision-Making Bodies</b>	<p><b>1997 Amendments: Article XI – Commission on Phytosanitary Measures</b></p> <p>"1. Contracting parties agree to establish the Commission on Phytosanitary Measures within the framework of the FAO.</p> <p>2. The functions of the Commission shall be to promote the full implementation of the objectives of the Convention and, in particular, to:</p> <ol style="list-style-type: none"> <li>review the state of plant protection in the world and the need for action to control the international spread of pests and their introduction into endangered areas;</li> <li>establish and keep under review the necessary institutional arrangements and procedures for the development and adoption of international standards, and to adopt international standards;</li> <li>establish rules and procedures for the resolution of disputes in accordance with Article XIII;</li> <li>establish such subsidiary bodies of the Commission as may be necessary for the proper implementation of its functions;</li> <li>adopt guidelines regarding the recognition of regional plant protection organizations;</li> <li>establish cooperation with other relevant international organizations on matters covered by this Convention;</li> <li>adopt such recommendations for the implementation of the Convention as necessary; and</li> <li>perform such other functions as may be necessary to the fulfilment of the objectives of this Convention.</li> </ol> <p>3. Membership in the Commission shall be open to all contracting parties. ...</p> <p>5. The contracting parties shall make every effort to reach agreement on all matters by consensus. If all efforts to reach consensus have been exhausted and no agreement is reached, the decision shall, as a last resort, be taken by a two-thirds majority of the contracting parties present and voting.</p> <p>6. A member organization of FAO that is a contracting party and the member states of that member organization that are contracting parties shall exercise their membership rights and fulfil their membership obligations in accordance, <i>mutatis mutandis</i>, with the Constitution and General Rules of FAO..."</p>	

	IPPC 1979	1997 AMENDMENTS
	<p>➔ At the adoption of the 1997 Amendments, the FAO Conference agreed to the establishment of an <b>Interim Commission on Phytosanitary Measures</b>, under Article VI of the FAO Constitution, with the Terms of Reference as below:</p> <p>1. The functions of the Commission shall be to promote the full implementation of the objectives of the International Plant Protection Convention and, in particular, to:</p> <ul style="list-style-type: none"> <li>a) review the state of plant protection in the world and the need for action to control the international spread of pests and their introduction into endangered areas;</li> <li>b) establish and keep under review the necessary institutional arrangements and procedures for the development and adoption of international standards, and to adopt international standards for phytosanitary measures;</li> <li>c) establish rules and procedures for the resolution of disputes in accordance with the Convention;</li> <li>d) establish such subsidiary bodies of the Commission as may be necessary for the proper implementation of its functions;</li> <li>e) adopt guidelines regarding the recognition of regional plant protection organizations;</li> <li>f) establish cooperation with other relevant international organizations on matters covered by the Convention;</li> <li>g) adopt such recommendations for the implementation of the Convention as necessary; and</li> <li>h) perform such other functions as may be necessary to the fulfilment of the objectives of the Convention.</li> </ul> <p>2. Membership in the Commission shall be open to all Members of FAO and to such non-member States as are contracting parties to the IPPC.</p>	
<b>Amendments and Protocols</b>	<p><b>Article III – Supplementary agreements</b></p> <p>"1. Supplementary agreements applicable to specific regions, to specific pests, to specific plants and plant products, to specific methods of international transportation of plants and plant products, or otherwise supplementing the provisions of this Convention, may be proposed by the FAO on the recommendation of a contracting party or on its own initiative, to meet special problems of plant protection which need particular attention or action.</p> <p>2. Any such supplementary agreements shall come into force for each contracting party after acceptance in accordance with the provisions of the FAO Constitution and General Rules of the Organization".</p>	<p><b>Article XVI – Supplementary agreements</b></p> <p>"1. The contracting parties may, for the purpose of meeting special problems of plant protection which need particular attention or action, enter into supplementary agreements. Such agreements may be applicable to specific regions, to specific pests, to specific plants and plant products, to specific methods of international transportation of plants and plant products, or otherwise supplement the provisions of this Convention.</p> <p>2. Any such supplementary agreements shall come into force for each contracting party concerned after acceptance in accordance with the provisions of the supplementary agreements concerned.</p> <p>3. Supplementary agreements shall promote the intent of this Convention and shall conform to the principles and provisions of this Convention, as well as to the principles of transparency, non-discrimination and the avoidance of disguised restrictions, particularly on international trade".</p>



B. INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

<b>Website</b>	www.iccat.org or www.iccat.es
<b>Objective</b>	→ ICCAT is responsible for the conservation of tunas and tuna-like species in the Atlantic Ocean and adjacent seas. Its mandate also includes the study of fish species caught incidentally to tuna fishing.
<b>Date of Signature</b>	Convention: 14 May 1966 Paris Protocol (on Articles XIV, XV and XVI): 10 July 1984 Madrid Protocol (to Article X:2): 5 June 1992
<b>Entry into force</b>	Convention: 21 March 1969 Paris Protocol(on Articles XIV, XV and XVI): 14 December 1997 Madrid Protocol (to Article X:2): Not yet ratified
<b>Parties</b>	35 Parties
<b>WTO Members</b>	28 Parties to ICCAT are also WTO Members.
<b>Openness of membership</b>	<b>Article XIV.1</b> "This Convention shall be open for signature by any Government which is a Member of the United Nations or of any Specialized Agency of the United Nations. Any such Government which does not sign this Convention may adhere to it at any time". → In addition, the <b>Paris Protocol</b> states in Article XIV, paragraph 4: "This Convention shall be open for signature or adherence by any inter-governmental economic integration organization constituted by States that have transferred to it competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters."
<b>Decision-Making Bodies</b>	→ The Convention established the International Commission for the Conservation of Atlantic Tunas (hereafter the "Commission"). → The Commission can, on the basis of scientific evidence and other relevant information, recommend management measures and Resolutions aimed at carrying out its objective of maintaining the populations of tuna and tuna-like fishes at "levels which will permit maximum sustainable catch". The scientific advice is prepared by the organization's scientific branch, the Standing Committee on Research and Statistics (SCRS). → Normally, Recommendations and Resolutions are drafted by already-established auxiliary bodies (such as the four species-group Panels, the Compliance Committee or the Permanent Working Group on ICCAT Statistics and Conservation Measures), and are presented to the Commission as the ultimate decision-making body. While Recommendations are applicable to Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities, Contracting Parties have a six-month grace period in which to present objections. <b>Article III:1</b> "1. The Contracting Parties hereby agree to establish and maintain a Commission to be known as the International Commission for the Conservation of Atlantic Tunas, hereinafter referred to as "the Commission," which shall carry out the objectives set forth in this Convention". <b>Article VI</b> "To carry out the objectives of this Convention the Commission may establish Panels on the basis of species, group of species, or of geographic areas. Each Panel in such case: (a) shall be responsible for keeping under review the species, group of species, or geographic area under its purview, and for collecting scientific and other information relating thereto; (b) may propose to the Commission, upon the basis of scientific investigations, recommendations for joint action by the Contracting Parties;

	<p>(c) may recommend to the Commission studies and investigations necessary for obtaining information relating to its species, group of species, or geographic area, as well as the co-ordination of programmes of investigation by the Contracting Parties."</p> <p><b>Article VIII</b></p> <p>"1. (a) The Commission may, on the basis of scientific evidence, make recommendations designed to maintain the populations of tuna and tuna-like fishes that may be taken in the Convention area at levels which will permit the maximum sustainable catch. These recommendations shall be applicable to the Contracting Parties under the conditions laid down in paragraphs 2 and 3 of this Article. ...</p> <p>2. Each recommendation made under paragraph 1 of this Article shall become effective for all Contracting Parties six months after the date of the notification from the Commission transmitting the recommendation to the Contracting Parties, except as provided in paragraph 3 of this Article. ...</p> <p>4. Any Contracting Party objecting to a recommendation may at any time withdraw that objection, and the recommendation shall become effective with respect to such Contracting Party immediately if the recommendation is already in effect, or at such time as it may become effective under the terms of this Article.</p> <p>5. The Commission shall notify each Contracting Party immediately upon receipt of each objection and of each withdrawal of an objection, and of the entry into force of any recommendation."</p>
<b>Amendments and Protocols</b>	<p><b>Article XIII:1</b></p> <p>"1. Any Contracting Party or the Commission may propose amendments to this Convention. The Director-General of the Food and Agriculture Organization of the United Nations shall transmit a certified copy of the text of any proposed amendment to all the Contracting Parties. Any amendment not involving new obligations shall take effect for all Contracting Parties on the thirtieth day after its acceptance by three-fourths of the Contracting Parties. Any amendment involving new obligations shall take effect for each Contracting Party accepting the amendment on the ninetieth day after its acceptance by three-fourths of the Contracting Parties and thereafter for each remaining Contracting Party upon acceptance by it. Any amendment considered by one or more Contracting Parties to involve new obligations shall be deemed to involve new obligations and shall take effect accordingly. A government which becomes a Contracting Party after an amendment to this Convention has been opened for acceptance pursuant to the provisions of this Article shall be bound by the Convention as amended when the said amendment comes into force".</p>

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

<b>Website</b>	www.cites.org
<b>Objective</b>	<p>→ The CITES is an international treaty to regulate international trade in wildlife for conservation purposes. The Convention is mainly about non-endangered species that are in the international markets and that could become endangered without trade regulation. It provides a framework for the sound management of wildlife trade based on the best biological information available and analyses how different types of trade regulations can affect specific populations.</p> <p>→ CITES trade-related measures seek to ensure that trade is non-detrimental to wildlife species. It also works to prevent harmful practices such as improper transport of wildlife specimens.</p>
<b>Date of Signature</b>	3 March 1973
<b>Entry into force</b>	1 July 1975
<b>Parties</b>	<p>Convention (1973): 161 Parties</p> <p>Bonn Amendment (1979): 125 Parties</p> <p>Gaborone Amendment (1983): 68 Parties</p>

<b>WTO Members</b>	<p>Convention (1973): 132 Parties to CITES are also WTO Members.</p> <p>Bonn Amendment (1979): 102 Parties to CITES are also WTO Members.</p> <p>Gaborone Amendment (1983): 63 Parties to CITES are also WTO Members.</p>
<b>Openness of membership</b>	<p><b>Article XXI – Accession</b></p> <p>"The present Convention shall be open indefinitely for accession. Instruments of accession shall be deposited with the Depositary Government".</p> <p>→ See Gaborone Amendment with regards to regional economic integration organization (See Section on Amendments below)</p>
<b>Decision-Making Bodies</b>	<p><b>Article XI:3 – Conference of the Parties</b></p> <p>"3. At meetings, whether regular or extraordinary, the Parties shall review the implementation of the present Convention and may:</p> <ul style="list-style-type: none"> <li>(a) make such provision as may be necessary to enable the Secretariat to carry out its duties, and adopt financial provisions;</li> <li>(b) consider and adopt amendments to Appendices I and II in accordance with Article XV;</li> <li>(c) review the progress made towards the restoration and conservation of the species included in Appendices I, II and III;</li> <li>(d) receive and consider any reports presented by the Secretariat or by any Party; and</li> <li>(e) where appropriate, make recommendations for improving the effectiveness of the present Convention".</li> </ul> <p><b>Resolution Conf. 11.1 (Rev. CoP12) – Establishment of Committees</b></p> <p>"[The Conference of the Parties to the Convention] ...Resolves that:</p> <ul style="list-style-type: none"> <li>a) there shall be a permanent Standing Committee of the Conference of the Parties, which shall be the senior Committee, and shall report to the Conference of the Parties;</li> <li>b) there shall be an Animals Committee, a Plants Committee and a Nomenclature Committee, which shall report to the Conference of the Parties at its meetings and, if so requested, to the Standing Committee between meetings of the Conference of the Parties;</li> <li>c) the Conference of the Parties may appoint additional committees as the need arises;</li> <li>d) the Conference of the Parties or the Standing Committee may appoint working groups with specific terms of reference as required to address specific problems. These working groups shall have a defined life span which shall not exceed the period until the next meeting of the Conference of the Parties, at which time it may be renewed if necessary. They shall report to the Conference of the Parties and, if so requested, to the Standing Committee; ..."</li> </ul>
<b>Amendments and Protocols</b>	<p><b>Article XVII – Amendment of the Convention</b></p> <p>"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.</p> <p>2. The text of any proposed amendment shall be communicated by the Secretariat to all Parties at least 90 days before the meeting.</p> <p>3. An amendment shall enter into force for the Parties which have accepted it 60 days after two-thirds of the Parties have deposited an instrument of acceptance of the amendment with the Depositary Government. Thereafter, the amendment shall enter into force for any other Party 60 days after that Party deposits its instrument of acceptance of the amendment".</p> <p><b>Article XV – Amendments to Appendices I and II</b></p> <p>"1. The following provisions shall apply in relation to amendments to Appendices I and II at meetings of the Conference of the Parties:</p> <ul style="list-style-type: none"> <li>(a) Any Party may propose an amendment to Appendix I or II for consideration at the next meeting. The text of the proposed amendment shall be communicated to the Secretariat at least 150 days before the meeting. The Secretariat shall consult the other Parties and interested bodies on the amendment in accordance with the provisions of sub-paragraphs (b) and (c) of paragraph 2 of this Article and shall communicate the response to all Parties not later than 30 days before the meeting.</li> </ul>

	<p>(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.</p> <p>(c) Amendments adopted at a meeting shall enter into force 90 days after that meeting for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.</p> <p>2. The following provisions shall apply in relation to amendments to Appendices I and II between meetings of the Conference of the Parties:</p> <p>(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. ...</p> <p>(l) If the proposed amendment is adopted it shall enter into force 90 days after the date of the notification by the Secretariat of its acceptance for all Parties except those which make a reservation in accordance with paragraph 3 of this Article.</p> <p>3. During the period of 90 days provided for by sub-paragraph (c) of paragraph 1 or sub-paragraph (l) of paragraph 2 of this Article any Party may by notification in writing to the Depositary Government make a reservation with respect to the amendment. Until such reservation is withdrawn the Party shall be treated as a State not a Party to the present Convention with respect to trade in the species concerned".</p> <p>→ <b>Resolution Conf. 4.27 on the Interpretation of Article XVII, paragraph 3, of the Convention</b> provides that "the meaning of Article XVII, paragraph 3, of the Convention be interpreted in its narrow sense so as to mean that the acceptance of two-thirds of the Parties at the time of the adoption of an amendment is required for the coming into force of such amendment".</p>
<p><b>Amendments adopted</b></p>	<p><b>Bonn amendment to the text of the Convention – 22 June 1979</b></p> <p>→ The Conference of the Parties to CITES adopted an amendment to the text of the Convention on 22 June 1979. This amendment consists of inserting at the end of Article XI, paragraph 3. a), the words ", and adopt financial provisions" so that it reads as follows:</p> <p>"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; ..."</p> <p>→ In accordance with Article XVII, paragraph 3, of the Convention, the Bonn amendment entered into force 60 days after 34 (two-thirds) of the 50 States that were parties to CITES on 22 June 1979 deposited their instruments of acceptance, i.e. on <i>13 April 1987</i>. At that time it entered into force only for those States that had accepted the amendment (no matter on what date they became party to the Convention). However, the amended text of the Convention now applies automatically to any State that becomes a Party after the date of entry into force of the amendment.</p> <p><b>Gaborone amendment to the text of the Convention – 30 April 1983</b></p> <p>→ The Conference of the Parties to CITES held its second extraordinary meeting in Gaborone, Botswana, on 30 April 1983, to consider a proposed amendment to Article XXI of the Convention to permit accession by regional economic integration organizations and especially to allow the EC to become a CITES party.</p> <p>→ The proposal was adopted with several amendments and the text of the amendment is as follows:</p> <p>"In Article XXI, after the words "Depositary Government.", insert the following five paragraphs:</p> <ol style="list-style-type: none"> <li>1. This Convention shall be open for accession by regional economic integration organizations constituted by sovereign States which have competence in respect of the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by this Convention.</li> <li>2. In their instruments of accession, such organization 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.</li> <li>3. In matters within their competence, such regional economic integration organizations shall exercise the rights and fulfil the obligations which this</li> </ol>

	<p>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.</p> <p>4. In the fields of their competence, regional economic integration organizations shall exercise their right to vote with a number of votes equal to the number of their Member States which are Parties to the Convention. Such organizations shall not exercise their right to vote if their Member States exercise theirs, and vice versa.</p> <p>5. Any reference to "Party" in the sense used in Article 1(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".</p> <p>→ In accordance with Article XVII, paragraph 3, of the Convention, the Gaborone amendment shall enter into force 60 days after 54 of the 80 States that were party to CITES on 30 April 1983 (i.e. two-thirds of the parties) have deposited their instruments of acceptance. However, at that time it will enter into force only for those States that have accepted the amendment (no matter on what date they became party to the Convention). The amended text of the Convention will apply automatically to any State that becomes a Party after the date of entry into force of the amendment. However, for States that became party to the Convention before that date and have not accepted the amendment, it will enter into force 60 days after they accept it.</p>
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#### D. CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

14. The Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR) is part of the Antarctic Treaty System, a set of arrangements made for the purpose of coordinating relations among states with respect to Antarctica. The Antarctic Treaty came into force on 23 June 1961. The treaty remains in force indefinitely. The success of the treaty has been the growth in membership. Forty-four countries, comprising 80% of the world's population, have acceded to it. Consultative (voting) status is open to all countries who have demonstrated their commitment to the Antarctic by conducting significant research. Twenty-seven nations have Consultative status. The Treaty parties meet every year. They have adopted over 200 recommendations and negotiated five separate international agreements. These, together with the original Treaty, provide the rules which govern activities in Antarctica. Collectively, they are known as the Antarctic Treaty System (ATS). The five international agreements are:

- Agreed Measures for the Conservation of Antarctic Fauna and Flora (1964)
- Convention for the Conservation of Antarctic Seals (1972)
- ***Convention on the Conservation of Antarctic Marine Living Resources (1980)***
- Convention on the Regulation of Antarctic Mineral Resource Activities (1988)
- Protocol on Environmental Protection to the Antarctic Treaty (1991)

15. The Preamble to the CCAMLR Convention recognises "the prime responsibility of the Antarctic Treaty Consultative Parties for the protection and conservation of the Antarctic environment and, in particular, their responsibilities under Article IX, paragraph 1(f) of the Antarctic Treaty in respect of the preservation and conservation of living resources in Antarctica".

<b>Website</b>	www.ccamlr.org
<b>Objective</b>	<p>→ The Convention is based on an ecosystem-wide approach to the conservation of marine living resources in the waters surrounding Antarctica. It incorporates standards designed to ensure the conservation of not only individual populations and species, but also the maintenance of the breadth of the Antarctic marine ecosystem as a whole. Conservation principles established by the Convention embody an "ecosystem approach" to living resources conservation and set CCAMLR's marine resources management regime apart from other international fisheries organisations.</p> <p>→ The Commission, established in accordance with CCAMLR Convention, is responsible for the conservation of marine living resources in the Convention Area (waters south of about 40°S), which include all species of fish, molluscs, crustaceans and other marine organisms as well as marine birds. Rational use of resources is considered a part of their conservation. Although management of seals and whales are under the jurisdiction of the Convention for the Conservation of Antarctic Seals (CCAS) and the International Whaling Commission (IWC), CCAMLR takes into account, in elaborating its conservation strategy, the status of these animals as an integral part of the Antarctic marine ecosystem.</p>
<b>Date of Signature</b>	20 May 1980
<b>Entry into force</b>	7 April 1982
<b>Parties</b>	<p>31 Parties</p> <p>→ States that have ratified the Convention, but are not Commission Members: Bulgaria, Canada, Finland, Greece, Peru, Vanuatu and The Netherlands.</p>
<b>WTO Members</b>	28 Parties to CCAMLR are also WTO Members.
<b>Openness of membership</b>	<p><b>Article XXIX</b></p> <p>"1. This Convention shall be open for accession by any State interested in research or harvesting activities in relation to the marine living resources to which this Convention applies.</p> <p>2. This Convention shall be open for accession by regional economic integration organisations constituted by sovereign States which include among their members one or more States Members of the Commission and to which the States members of the organisation have transferred, in whole or in part, competences with regard to the matters covered by this Convention. The accession of such regional economic integration organisations shall be the subject of consultations among Members of the Commission".</p>
<b>Decision-Making Bodies</b>	<p>→ The main decision-making body is the Commission for the Conservation of Antarctic Marine Living Resources (CCAMLR). The Commission has two standing committees: The Standing Committee on Administration and Finance (SCAF) and the Standing Committee on Implementation and Compliance (SCIC). All decisions on matters of substance are taken by consensus. The institutional features of the Convention comprise, in addition to the Commission, a Scientific Committee for the Conservation of Antarctic Marine Living Resources and a permanent Secretariat, based in Hobart, Australia. The Scientific Committee (SC-CAMLR) has two permanent working groups, the Working Group on Ecosystem Monitoring and Management (WG-EMM) and the Working Group on Fish Stock Assessment. The Ad Hoc Working Group on Incidental Mortality Associated with Fisheries (WG-IMAF) carries its activities as part of WG-FSA.</p>
	<b>1) Commission for the Conservation of Antarctic Marine Living Resources</b>
	<p><b>Article VII:1</b></p> <p>"1. The Contracting Parties hereby establish and agree to maintain the Commission for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as 'the Commission')".</p> <p><b>Article IX</b></p> <p>"1. The function of the Commission shall be to give effect to the objective and principles set out in Article II of this Convention. To this end, it shall: ...</p> <p>(e) identify conservation needs and analyse the effectiveness of conservation measures;</p>

- (f) formulate, adopt and revise conservation measures on the basis of the best scientific evidence available, subject to the provisions of paragraph 5 of this Article;
  - (g) implement the system of observation and inspection established under Article XXIV of this Convention;
  - (h) carry out such other activities as are necessary to fulfil the objective of this Convention.
2. The conservation measures referred to in paragraph 1(f) above include the following:
- (a) the designation of the quantity of any species which may be harvested in the area to which this Convention applies;
  - (b) the designation of regions and sub-regions based on the distribution of populations of Antarctic marine living resources;
  - (c) the designation of the quantity which may be harvested from the populations of regions and sub-regions;
  - (d) the designation of protected species;
  - (e) the designation of the size, age and, as appropriate, sex of species which may be harvested;
  - (f) the designation of open and closed seasons for harvesting;
  - (g) the designation of the opening and closing of areas, regions or sub-regions for purposes of scientific study or conservation, including special areas for protection and scientific study;
  - (h) regulation of the effort employed and methods of harvesting, including fishing gear, with a view, inter alia, to avoiding undue concentration of harvesting in any region or sub-region;
  - (i) the taking of such other conservation measures as the Commission considers necessary for the fulfilment of the objective of this Convention, including measures concerning the effects of harvesting and associated activities on components of the marine ecosystem other than the harvested populations.
3. The Commission shall publish and maintain a record of all conservation measures in force.
4. In exercising its functions under paragraph 1 above, the Commission shall take full account of the recommendations and advice of the Scientific Committee.
5. The Commission shall take full account of any relevant measures or regulations established or recommended by the Consultative Meetings pursuant to Article IX of the Antarctic Treaty or by existing fisheries commissions responsible for species which may enter the area to which this Convention applies, in order that there shall be no inconsistency between the rights and obligations of a Contracting Party under such regulations or measures and conservation measures which may be adopted by the Commission.
6. Conservation measures adopted by the Commission in accordance with this Convention shall be implemented by Members of the Commission in the following manner:
- (a) the Commission shall notify conservation measures to all Members of the Commission;
  - (b) conservation measures shall become binding upon all Members of the Commission 180 days after such notification, except as provided in subparagraphs (c) and (d) below;
  - (c) if a Member of the Commission, within ninety days following the notification specified in sub-paragraph (a), notifies the Commission that it is unable to accept the conservation measure, in whole or in part, the measure shall not, to the extent stated, be binding upon that Member of the Commission;
  - (d) in the event that any Member of the Commission invokes the procedure set forth in sub-paragraph (c) above, the Commission shall meet at the request of any Member of the Commission to review the conservation measure. At the time of such meeting and within thirty days following the meeting, any Member of the Commission shall have the right to declare that it is no longer able to accept the conservation measure, in which case the Member shall no longer be bound by such a measure".
- Article XII:1-2**
- "1. Decisions of the Commission on matters of substance shall be taken by consensus. The question of whether a matter is one of substance shall be treated as a matter of substance.
2. Decisions on matters other than those referred to in paragraph 1 above shall be taken by a simple majority of the Members of the Commission present and voting".

	<b>2) Scientific Committee for the Conservation of Antarctic Marine Living Resources</b>
	<p><b>Article XIV:1</b> "1. The Contracting Parties hereby establish the Scientific Committee for the Conservation of Antarctic Marine Living Resources (hereinafter referred to as 'the Scientific Committee') which shall be a consultative body to the Commission..."</p> <p><b>Article XV:1-2</b> "1. The Scientific Committee shall provide a forum for consultation and co-operation concerning the collection, study and exchange of information with respect to the marine living resources to which this Convention applies. It shall encourage and promote co-operation in the field of scientific research in order to extend knowledge of the marine living resources of the Antarctic marine ecosystem. 2. The Scientific Committee shall conduct such activities as the Commission may direct in pursuance of the objective of this Convention..."</p>
<b>Amendments and Protocols</b>	<p><b>Article XXX</b> "1. This Convention may be amended at any time. 2. If one-third of the Members of the Commission request a meeting to discuss a proposed amendment the Depositary shall call such a meeting. 3. An amendment shall enter into force when the Depositary has received instruments of ratification, acceptance or approval thereof from all the Members of the Commission. 4. Such amendment shall thereafter enter into force as to any other Contracting Party when notice of ratification, acceptance or approval by it has been received by the Depositary. Any such Contracting Party from which no such notice has been received within a period of one year from the date of entry into force of the amendment in accordance with paragraph 3 above shall be deemed to have withdrawn from this Convention".</p>

#### E. MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

16. The Vienna Convention for the Protection of the Ozone Layer is a framework convention. It did not itself establish controls on ozone depleting substances. However, it established the procedural rules for future protocols to be developed under the framework of the Vienna Convention. The Montreal Protocol on Substances that Deplete the Ozone Layer was adopted in 1987 and has been amended four times: London Amendment (1990), Copenhagen Amendment (1992), Montreal Amendment (1997) and Beijing Amendment (1999). Its control provisions were strengthened through five adjustments to the Protocol adopted in London (1990), Copenhagen (1992), Vienna (1995), Montreal (1997) and Beijing (1999).

	<b>Vienna Convention for the Protection of the Ozone Layer</b>	<b>Montreal Protocol on Substances that Deplete the Ozone Layer</b>	<b>London Amendment</b>	<b>Copenhagen Amendment</b>	<b>Montreal Amendment</b>	<b>Beijing Amendment</b>
<b>Date of Signature</b>	22 March 1985	16 September 1987	29 June 1990	25 November 1992	17 September 1997	3 December 1999
<b>Entry into force</b>	22 September 1988	1 January 1989	10 August 1992	14 June 1994	10 November 1999	25 February 2002
<b>Parties</b>	185	184	164	146	93	49
<b>WTO Members</b>	143 WTO Members	143 WTO Members	131 WTO Members	120 WTO Members	76 WTO Members	40 WTO Members



	Vienna Convention for the Protection of the Ozone Layer	Montreal Protocol on Substances that Deplete the Ozone Layer, either adjusted and/or amended in <i>London-1990, Copenhagen-1992, Vienna-1995, Montreal-1997, and Beijing-1999</i>
<b>Website</b>	<a href="http://www.unep.org/ozone/index-en.shtml">http://www.unep.org/ozone/index-en.shtml</a>	
<b>Objective</b>	→ Under the Vienna Convention, governments agreed to take appropriate measures to protect human health and the environment against adverse effects resulting or likely to result from human activities which modify or are likely to modify the Ozone Layer and committed themselves to protect the ozone layer and to co-operate with each other in scientific research and information exchange to improve understanding of atmospheric processes, and technical and economic aspects.	→ The Montreal Protocol develops a regime that limits the release of ozone-depleting substances (ODS) into the atmosphere.
<b>Entry into force (provision)</b>	<p><b>Article 17: Entry into force</b></p> <p>"1. This Convention shall enter into force on the ninetieth day after the date of deposit of the twentieth instrument of ratification, acceptance, approval or accession.</p> <p>2. Any protocol, except as otherwise provided in such protocol, shall enter into force on the ninetieth day after the date of deposit of the eleventh instrument of ratification, acceptance or approval of such protocol or accession thereto.</p> <p>3. For each Party which ratifies, accepts or approves this Convention or accedes thereto after the deposit of the twentieth instrument of ratification, acceptance, approval or accession, it shall enter into force on the ninetieth day after the date of deposit by such Party of its instrument of ratification, acceptance, approval or accession.</p> <p>4. Any protocol, except as otherwise provided in such protocol, shall enter into force for a party that ratifies, accepts or approves that protocol or accedes thereto after its entry into force pursuant to paragraph 2 above, on the ninetieth day after the date on which that party deposits its instrument of ratification, acceptance, approval or accession, or on the date which the Convention enters into force for that Party, whichever shall be the later.</p> <p>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".</p>	<p><b>Article 16 – Entry into force</b></p> <p>"1. This Protocol shall enter into force on 1 January 1989, provided that at least eleven instruments of ratification, acceptance, approval of the Protocol or accession thereto have been deposited by States or regional economic integration organizations representing at least two-thirds of 1986 estimated global consumption of the controlled substances, and the provisions of paragraph 1 of Article 17 of the Convention have been fulfilled. In the event that these conditions have not been fulfilled by that date, the Protocol shall enter into force on the ninetieth day following the date on which the conditions have been fulfilled. ...</p> <p>3. After the entry into force of this Protocol, any State or regional economic integration organization shall become a Party to it on the ninetieth day following the date of deposit of its instrument of ratification, acceptance, approval or accession".</p> <p><b>Article 17 – Parties joining after entry into force</b></p> <p>"Subject to Article 5, any State or regional economic integration organization which becomes a Party to this Protocol after the date of its entry into force, shall fulfil forthwith the sum of the obligations under Article 2, as well as under Articles 2A to 2I and Article 4, that apply at that date to the States and regional economic integration organizations that became Parties on the date the Protocol entered into force".</p>

	<b>Vienna Convention for the Protection of the Ozone Layer</b>	<b>Montreal Protocol on Substances that Deplete the Ozone Layer, either adjusted and/or amended in <i>London-1990, Copenhagen-1992, Vienna-1995, Montreal-1997, and Beijing-1999</i></b>
<b>Openness of membership</b>	<p><b>Article 14 – Accession</b></p> <p>"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...".</p>	<p><b>Montreal Protocol: Article 15 – Signature</b></p> <p>"This Protocol shall be open for signature by States and by regional economic integration organizations...".</p> <p><b>Copenhagen Amendment (1992): Article 2 – Relationship to the 1990 Amendment</b></p> <p>"No State or regional economic integration organization may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Second Meeting of the Parties in London, 29 June 1990."</p> <p><b>Montreal Amendment (1997): Article 2 – Relationship to the 1992 Amendment</b></p> <p>"No State or regional economic integration organization may deposit an instrument of ratification, acceptance, approval or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Fourth Meeting of the Parties in Copenhagen, 25 November 1992".</p> <p><b>Beijing Amendment (1999): Article 2 – Relationship to the 1997 Amendment</b></p> <p>"No State or regional economic integration organization may deposit an instrument of ratification, acceptance or approval of or accession to this Amendment unless it has previously, or simultaneously, deposited such an instrument to the Amendment adopted at the Ninth Meeting of the Parties in Montreal, 17 September 1997".</p>
<b>Decision-Making Bodies</b>	<p><b>Article 6:4 – Conference of the Parties</b></p> <p>"4. The Conference of the Parties shall keep under continuous review the implementation of this Convention, and, in addition, shall: ...</p> <p>(c) Promote, in accordance with article 2, the harmonization of appropriate policies, strategies and measures for minimizing the release of substances causing or likely to cause modification of the ozone layer, and make recommendations on any other measures relating to this Convention; ...</p> <p>(e) Consider and adopt, as required, in accordance with articles 9 and 10, amendments to this Convention and its annexes;</p> <p>(f) Consider amendments to any protocol, as well as to any annexes</p>	<p><b>Article 11:4 – Meetings of the parties</b></p> <p>"4. The functions of the meetings of the Parties shall be to:</p> <p>(a) review the implementation of this Protocol;</p> <p>(b) decide on any adjustments or reductions referred to in paragraph 9 of Article 2;</p> <p>(c) decide on any addition to, insertion in or removal from any annex of substances and on related control measures in accordance with paragraph 10 of Article 2;</p> <p>(d) establish, where necessary, guidelines or procedures for reporting of information as provided for in Article 7 and paragraph 3 of Article 9;</p> <p>(e) review requests for technical assistance submitted pursuant to paragraph 2</p>

	Vienna Convention for the Protection of the Ozone Layer	Montreal Protocol on Substances that Deplete the Ozone Layer, either adjusted and/or amended in <i>London-1990, Copenhagen-1992, Vienna-1995, Montreal-1997, and Beijing-1999</i>
	thereto, and, if so decided, recommend their adoption to the parties to the protocol concerned; (g) Consider and adopt, as required, in accordance with article 10, additional annexes to this Convention; (h) Consider and adopt, as required, protocols in accordance with article 8; ..."	of Article 10; (f) review reports prepared by the secretariat pursuant to subparagraph (c) of Article 12; (g) assess, in accordance with Article 6, the control measures; (h) consider and adopt, as required, proposals for amendment of this Protocol or any annex and for any new annex; (i) consider and adopt the budget for implementing this Protocol; and (j) consider and undertake any additional action that may be required for the achievement of the purposes of this Protocol".
<b>Amendments and Protocols</b>	<p><b>Article 8 – Adoption of protocols</b> "1. The Conference of the Parties may at a meeting adopt protocols pursuant to Article 2. 2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a meeting".</p> <p><b>Article 9 – Amendment of the Convention or protocols</b> "1. Any Party may propose amendments to this Convention or to any protocol. Such amendments shall take due account, <i>inter alia</i>, of relevant scientific and technical considerations. 2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. Amendments to any protocol shall be adopted at a meeting of the Parties to the protocol in question. The text of any proposed amendment to this Convention or to any protocol, except as may otherwise be provided in such protocol, shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to this Convention for information. 3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting, and shall be submitted by the Depositary to all Parties for ratification, approval or acceptance. 4. The procedure mentioned in paragraph 3 above shall apply to amendments to any protocol, except that a two-thirds majority of the</p>	<p><b>Article 14 – Relationship of this Protocol to the Convention</b> "Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol".</p> <p>→ A party to the Protocol that has not ratified a subsequent amendment is treated as a non-Party for the purposes of trade in the relevant substances controlled by that particular amendment (Article 4(9) of the Protocol).</p>

	<b>Vienna Convention for the Protection of the Ozone Layer</b>	<b>Montreal Protocol on Substances that Deplete the Ozone Layer, either adjusted and/or amended in <i>London-1990, Copenhagen-1992, Vienna-1995, Montreal-1997, and Beijing-1999</i></b>
	<p>parties to that protocol present and voting at the meeting shall suffice for their adoption.</p> <p>5. Ratification, approval or acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraphs 3 or 4 above shall enter into force between parties having accepted them on the ninetieth day after the receipt by the Depositary of notification of their ratification, approval or acceptance by at least three-fourths of the Parties to this Convention or by at least two-thirds of the parties to the protocol concerned, except as may otherwise be provided in such protocol. Thereafter the amendments shall enter into force for any other Party on the ninetieth day after that Party deposits its instrument of ratification, approval or acceptance of the amendments.</p> <p>6. For the purposes of this article, "Parties present and voting" means Parties present and casting an affirmative or negative vote".</p> <p><b>Article 16 – Relationship between the Convention and its protocols</b></p> <p>"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 Party to the Convention.</p> <p>2. Decisions concerning any protocol shall be taken only by the parties to the protocol concerned".</p>	

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

	<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</b>	<b>Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal</b>
<b>Website</b>	<a href="http://www.basel.int/">http://www.basel.int/</a>	
<b>Objective</b>	<p>→ The objective of the Basel Convention is to protect human health and the environment from the adverse effects which may result from the handling, transport and disposal of hazardous wastes.</p> <p>→ The specific objectives of the Basel Convention are:</p> <ul style="list-style-type: none"> <li>• To reduce transboundary movements of hazardous wastes</li> <li>• To minimize the generation – in terms of quantity and hazardousness- of wastes</li> </ul>	<p>→ The objective of the Protocol is to provide for a comprehensive regime for liability as well as adequate and prompt compensation for damage resulting from the transboundary movement of hazardous wastes and other wastes, including incidents occurring because of illegal traffic in those wastes.</p>

	<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</b>	<b>Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal</b>
	<ul style="list-style-type: none"> <li>• To promote the environmentally sound management of hazardous and other wastes</li> </ul> <p>→ The Convention provides for the attainment of these objectives through control of the transboundary movements of hazardous wastes, monitoring and prevention of illegal traffic, assistance for the environmentally sound management of hazardous wastes, promotion of cooperation between Parties in this field, and development of Technical Guidelines for the management of hazardous wastes.</p>	<p>→ Under the Protocol, actors involved in the transboundary movement and disposal of hazardous waste are strictly liable for damage caused regardless of the presence of fault and up to the financial limits established by the Protocol. Fault-based liability is also regulated by the Protocol.</p>
<b>Date of Adoption</b>	22 March 1989	10 December 1999
<b>Entry into force</b>	5 May 1992	Not in force. The Protocol will enter into force after 90 days of the date of the 20 <sup>th</sup> instrument of ratification.
<b>Parties</b>	156	13 (signatures)
<b>WTO Members</b>	124 Parties to the Basel Convention are also WTO Members.	12 Signatories to the Basel Protocol are also WTO Members.
<b>Openness of membership</b>	<p><b>Article 23 – Accession</b></p> <p>"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...".</p>	<p><b>Article 26 – Signature</b></p> <p>"The Protocol shall be open for signature by States and by regional economic integration organizations Parties to the Basel Convention ...".</p>
<b>Decision-Making Bodies</b>	<p><b>Article 15:4, 5, 7 – Conference of the Parties</b></p> <p>"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.</p> <p>5. The Conference of the Parties shall keep under continuous review and evaluation the effective implementation of this Convention, and, in addition, shall:</p> <ul style="list-style-type: none"> <li>(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;</li> <li>(b) Consider and adopt, as required, amendments to this Convention and its annexes, taking into consideration, <i>inter alia</i>, available scientific, technical, economic and environmental information;</li> <li>(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;</li> <li>(d) Consider and adopt protocols as required; and</li> <li>(e) Establish such subsidiary bodies as are deemed necessary for the implementation of this Convention".</li> </ul>	<p><b>Article 24:4 – Meeting of the Parties</b></p> <p>"4. The functions of the Meeting of the Parties shall be:</p> <ul style="list-style-type: none"> <li>(a) To review the implementation of and compliance with the Protocol;</li> <li>(b) To provide for reporting and establish guidelines and procedures for such reporting where necessary;</li> <li>(c) To consider and adopt, where necessary, proposals for amendment of the Protocol or any annexes and for any new annexes; and</li> <li>(d) To consider and undertake any additional action that may be required for the purposes of the Protocol".</li> </ul>

	<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</b>	<b>Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal</b>
	<p>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".</p> <p>→ The Conference of the Parties (COP) is the main decision-making organ and is composed of the representatives of the Parties and has the following functions, under Article 15: to adopt rules of procedure for itself and any subsidiary body; to establish subsidiary bodies; to establish financial rules; consider and adopt amendments and protocols; to evaluate the effectiveness of the Convention; and to consider the adoption of a complete or partial ban of transboundary movements in light of the latest scientific, technical and economic information.</p> <p>→ The Expanded Bureau is body composed of 13 representatives of all the regions that meets between the meetings of the Conference of the Parties to orientate the work of the secretariat; provide advise for the preparation of meeting agendas; address institutional and financial issues raised by the secretariat.</p> <p>→ The Open-ended Working Group is the subsidiary body of the Basel Convention and its mandate is to assist the COP in the implementation of the Convention and consider and advise the Conference of the Parties on issues relating to policy, technical, scientific, legal, institutional, administration, finance, budgetary and other aspects of the implementation of the Convention.</p> <p>→ Basel Convention Regional Centres for Training and Technology Transfer are regional institutions to organise and coordinate awareness raising, training and capacity building activities as well as to facilitate technology transfer to ensure the implementation of the Basel Convention (See Decision VI/3 for detailed description of the centres' functions).</p> <p>→ Competent Authorities and Focal Points: are established at the national level, in accordance with Article 5, to receive, inform and respond to the notifications of transboundary movements of hazardous wastes and to transmit and maintain the communication with the secretariat, respectively.</p>	
<b>Amendments and Protocols</b>	<p><b>Article 17 – Amendment of the Convention</b></p> <p>"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, <i>inter alia</i>, of relevant scientific and technical considerations.</p> <p>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</p>	<p><b>Article 12 of the Basel Convention – Consultations on Liability</b></p> <p>"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</p>

	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal	Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal
	<p>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.</p> <p>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 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.</p> <p>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.</p> <p>5. ...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.</p> <p>6. For the purpose of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote".</p> <p>→ The following amendments have been adopted by the Conference of the Parties:</p> <ul style="list-style-type: none"> <li>- Amendment to Annex I (adopted through Decision IV/9): in order to make reference to Annexes VIII and IX and establish the relationship between these new annexes and Annex III</li> <li>- Introduction of Annex VIII and IX: Annex VIII includes wastes characterized as hazardous under Article 1, paragraph 1(a) of the Basel Convention and Annex IX includes wastes that are not covered by Article 1, paragraph 1(a), unless they contain Annex I material to an extent causing them to exhibit an Annex III characteristic.</li> <li>- Amendment to Annex VIII and IX: at its sixth meeting, the Conference of the Parties adopted an amendment to Annex VIII and IX in order to harmonize the annexes with other international lists and incorporate changes in accordance with scientific and technical advances.</li> </ul>	<p>wastes and other wastes".</p> <p><b>Article 22 of the Protocol on Liability– Relationship of the Protocol with the Basel Convention</b></p> <p>"Except as otherwise provided in the Protocol, the provisions of the Convention relating to its Protocols shall apply to the Protocol".</p>
<b>Amendments Adopted</b>	<p>→ <b>The Ban Amendment</b> was adopted on 22 September 1995. 36 Parties have ratified the Amendment. In accordance with Article 17 of the Convention, the Amendment has to be ratified by three fourths of those Parties present at the time of the adoption of the Amendment (62 Parties) in order for it to enter into force.</p>	

	<b>Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal</b>	<b>Basel Protocol on Liability and Compensation for Damage Resulting from Transboundary Movements of Hazardous Wastes and their Disposal</b>
	→ The objective of this Amendment is to prohibit immediately exports from countries listed in Annex VII ("Parties and other States which are members of the OECD, EC, Liechtenstein") to all other countries, of hazardous wastes intended for final disposal, and to prohibit movements from Annex VII to non-Annex VII countries of hazardous wastes intended for recycling or reuse as of end 1997. Annex VII is not yet in force, pending the entry into force of the Amendment.	

G. CONVENTION ON BIOLOGICAL DIVERSITY

<b>Website</b>	<a href="http://www.biodiv.org">http://www.biodiv.org</a>
<b>Objective</b>	→ The objective of the CBD is 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.
<b>Date of Signature</b>	5 June 1992
<b>Entry into force</b>	29 December 1993
<b>Parties</b>	187
<b>WTO Members</b>	140 Parties to the CBD are also WTO Members.
<b>Openness of membership</b>	<b>Article 33 – Signature</b> "This Convention shall be open for signature ... by all States and any regional economic integration organization...". <b>Article 34:1 – Ratification, Acceptance or Approval</b> "1. This Convention and any protocol shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations...".
<b>Decision-Making Bodies</b>	<b>Article 23:4 – Conference of the Parties</b> "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;



	<p>(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</p> <p>(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".</p> <p><b>Article 25:1-2 – Subsidiary Body on Scientific, Technical and Technological Advice</b></p> <p>"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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) Provide scientific and technical assessments of the status of biological diversity;</li> <li>(b) Prepare scientific and technical assessments of the effects of types of measures taken in accordance with the provisions of this Convention;</li> <li>(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;</li> <li>(d) Provide advice on scientific programmes and international cooperation in research and development related to conservation and sustainable use of biological diversity; and</li> <li>(e) Respond to scientific, technical, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body".</li> </ul>
<b>Amendments and Protocols</b>	<p><b>1) Amendments</b></p> <p><b>Article 29 – Amendment of the Convention or Protocols</b></p> <p>"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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>5. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote".</p> <p>➔ See also Article 23:4(d) on the Conference of the Parties in the Section on Decision-Making Bodies above.</p>

	<p><b>2) Protocols</b></p> <p><b>Article 28 – Adoption of Protocols</b>          "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".</p> <p><b>Article 32 – Relationship between this Convention and Its Protocols</b>          "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".</p> <p>→ See Cartagena Protocol on Biosafety below.</p>
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#### H. CARTAGENA PROTOCOL ON BIOSAFETY

<b>Website</b>	<a href="http://www.biodiv.org/biosafety/">http://www.biodiv.org/biosafety/</a>
<b>Objective</b>	→ The objective of the Biosafety Protocol is to ensure an adequate level of protection in the field of safe transfer, handling and use of LMOs that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health.
<b>Date of Adoption</b>	29 January 2000
<b>Entry into force</b>	<p>→ Not in force</p> <p><b>Article 37 – Entry Into Force</b>          "1. This Protocol shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession by States or regional economic integration organizations that are Parties to the Convention.          2. This Protocol shall enter into force for a State or regional economic integration organization that ratifies, accepts or approves this Protocol or accedes thereto after its entry into force pursuant to paragraph 1 above, on the ninetieth day after the date on which that State or regional economic integration organization deposits its instrument of ratification, acceptance, approval or accession, or on the date on which the Convention enters into force for that State or regional economic integration organization, whichever shall be the later.          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 member States of such organization".</p>
<b>Parties</b>	47
<b>WTO Members</b>	39 Parties to the Biosafety Protocol are also WTO Members.
<b>Openness of membership</b>	<p><b>Article 36 – Signature</b>          "This Protocol shall be open for signature ... by States and regional economic integration organizations...".</p> <p><b>Article 32:1 of the Convention on Biological Diversity – Relationship between this Convention and Its Protocols</b>          "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".</p>

<p><b>Decision-Making Bodies</b></p>	<p><b>Article 29:1-4 – Conference of the Parties Serving as the Meeting of the Parties to this Protocol</b></p> <p>"1. The Conference of the Parties shall serve as the meeting of the Parties to this Protocol.</p> <p>2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any meeting of the Conference of the Parties serving as the meeting of the Parties to this Protocol. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by those that are Parties to it.</p> <p>3. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be substituted by a member to be elected by and from among the Parties to this Protocol.</p> <p>4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall:</p> <ul style="list-style-type: none"> <li>(a) Make recommendations on any matters necessary for the implementation of this Protocol;</li> <li>(b) Establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol;</li> <li>(c) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies;</li> <li>(d) Establish the form and the intervals for transmitting the information to be submitted in accordance with Article 33 of this Protocol and consider such information as well as reports submitted by any subsidiary body;</li> <li>(e) Consider and adopt, as required, amendments to this Protocol and its annexes, as well as any additional annexes to this Protocol, that are deemed necessary for the implementation of this Protocol; and</li> <li>(f) Exercise such other functions as may be required for the implementation of this Protocol".</li> </ul> <p><b>Article 30 – Subsidiary Bodies</b></p> <p>"1. Any subsidiary body established by or under the Convention may, upon a decision by the Conference of the Parties serving as the meeting of the Parties to this Protocol, serve the Protocol, in which case the meeting of the Parties shall specify which functions that body shall exercise.</p> <p>2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any meeting of any such subsidiary bodies. When a subsidiary body of the Convention serves as a subsidiary body to this Protocol, decisions under the Protocol shall be taken only by the Parties to the Protocol.</p> <p>3. When a subsidiary body of the Convention exercises its functions with regard to matters concerning this Protocol, any member of the bureau of that subsidiary body representing a Party to the Convention but, at that time, not a Party to the Protocol, shall be substituted by a member to be elected by and from among the Parties to the Protocol".</p>
<p><b>Amendments and Protocols</b></p>	<p><b>Article 32 – Relationship with the Convention</b></p> <p>"Except as otherwise provided in this Protocol, the provisions of the Convention relating to its protocols shall apply to this Protocol".</p> <p>→ See also Article 29:4(e) on Conference of the Parties Serving as the Meeting of the Parties to this Protocol in the Section on Decision-making Bodies above.</p> <p>→ Article 29 on Amendment of the Convention or Protocols of the Convention on Biological Diversity will also apply to the Protocol.</p>

# I. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

<b>Website</b>	<a href="http://unfccc.int/">http://unfccc.int/</a>
<b>Objective</b>	→ The objective of the UNFCCC is the stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system.
<b>Date of Signature</b>	9 May 1992
<b>Entry into force</b>	21 March 1994
<b>Parties</b>	188
<b>WTO Members</b>	143 Parties to UNFCCC are also WTO Members.
<b>Openness of membership</b>	<b>Article 20 – Signature</b> "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..."
<b>Decision-Making Bodies</b>	<b>Article 7:2 – Conference of the Parties</b> "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

	<p>(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".</p> <p><b>Article 9:1 – Subsidiary Body for Scientific and Technological Advice</b></p> <p>"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".</p> <p><b>Article 10 – Subsidiary Body for Implementation</b></p> <p>"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.</p> <p>2. Under the guidance of the Conference of the Parties, this body shall:</p> <p>(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;</p> <p>(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</p> <p>(c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions".</p>
<p><b>Amendments and Protocols</b></p>	<p><b>1) Amendments</b></p> <p><b>Article 15 – Amendments to the Convention</b></p> <p>"1. Any Party may propose amendments to the Convention.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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..."</p> <p><b>2) Protocols</b></p> <p><b>Article 17 – Protocols</b></p> <p>"1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.</p> <p>2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session.</p> <p>3. The requirements for the entry into force of any protocol shall be established by that instrument.</p> <p>4. Only Parties to the Convention may be Parties to a protocol.</p> <p>5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned".</p> <p>➔ See Kyoto Protocol below.</p>

## J. KYOTO PROTOCOL

<b>Website</b>	<a href="http://unfccc.int/">http://unfccc.int/</a>
<b>Objective</b>	→ The Kyoto Protocol supplements and strengthens the UNFCCC. The Kyoto Protocol is based on the general framework established by the UNFCCC, and shares its ultimate objective and principles, as well as its grouping of countries into Annex I, Annex II (the OECD members of Annex I), and non-Annex I Parties. This is a step towards achieving the objective of the Convention by reducing emissions from Annex I Parties.
<b>Date of Signature</b>	11 December 1997
<b>Entry into force</b>	→ Not in force → It shall enter into force on the ninetieth day after the date on which not less than 55 Parties to the Convention, incorporating Annex I Parties which accounted in total for at least 55% of the total carbon dioxide emissions for 1990 from that group, have deposited their instruments of ratification, acceptance, approval or accession. (see Article 25)
<b>Parties</b>	106 (i.e. 43.9% of emissions)
<b>WTO Members</b>	86 Parties to the Kyoto Protocol are also WTO Members.
<b>Openness of membership</b>	<b>Article 24 :1</b> "1. This Protocol shall be open for signature and subject to ratification, acceptance or approval by States and regional economic integration organizations which are Parties to the Convention..."
<b>Decision-Making Bodies</b>	→ The Kyoto Protocol will share the Convention's institutions, including its two subsidiary bodies and secretariat, while the Convention's Conference of the Parties will serve as the "meeting of the Parties" to the Protocol, forming a body known as the COP/MOP. <b>Article 13:1-4</b> "1. The Conference of the Parties, the supreme body of the Convention, shall serve as the meeting of the Parties to this Protocol. 2. Parties to the Convention that are not Parties to this Protocol may participate as observers in the proceedings of any session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, decisions under this Protocol shall be taken only by those that are Parties to this Protocol. 3. When the Conference of the Parties serves as the meeting of the Parties to this Protocol, any member of the Bureau of the Conference of the Parties representing a Party to the Convention but, at that time, not a Party to this Protocol, shall be replaced by an additional member to be elected by and from amongst the Parties to this Protocol. 4. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall keep under regular review the implementation of this Protocol and shall make, within its mandate, the decisions necessary to promote its effective implementation. It shall perform the functions assigned to it by this Protocol and shall: (a) Assess, on the basis of all information made available to it in accordance with the provisions of this Protocol, the implementation of this Protocol by the Parties, the overall effects of the measures taken pursuant to this Protocol, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved; (b) Periodically examine the obligations of the Parties under this Protocol, giving due consideration to any reviews required by Article 4, paragraph 2(d), and Article 7, paragraph 2, of the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge, and in this respect consider and adopt regular reports on the implementation of this Protocol; (c) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account

	<p>the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under this Protocol;</p> <p>(d) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under this Protocol;</p> <p>(e) Promote and guide, in accordance with the objective of the Convention and the provisions of this Protocol, and taking fully into account the relevant decisions by the Conference of the Parties, the development and periodic refinement of comparable methodologies for the effective implementation of this Protocol, to be agreed on by the Conference of the Parties serving as the meeting of the Parties to this Protocol;</p> <p>(f) Make recommendations on any matters necessary for the implementation of this Protocol;</p> <p>(g) Seek to mobilize additional financial resources in accordance with Article 11, paragraph 2;</p> <p>(h) Establish such subsidiary bodies as are deemed necessary for the implementation of this Protocol;</p> <p>(i) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and</p> <p>(j) Exercise such other functions as may be required for the implementation of this Protocol, and consider any assignment resulting from a decision by the Conference of the Parties".</p>
<b>Amendments and Protocols</b>	<p><b>Article 20</b></p> <p>"1. Any Party may propose amendments to this Protocol.</p> <p>2. Amendments to this Protocol shall be adopted at an ordinary session of the Conference of the Parties serving as the meeting of the Parties to this Protocol. The text of any proposed amendment to this Protocol shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate the text of any proposed amendments to the Parties and signatories to the Convention and, for information, to the Depositary.</p> <p>3. The Parties shall make every effort to reach agreement on any proposed amendment to this Protocol by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.</p> <p>4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three fourths of the Parties to this Protocol.</p> <p>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".</p>

#### K. INTERNATIONAL TROPICAL TIMBER AGREEMENT

17. The International Tropical Timber Agreement (ITTA), 1994 is the Successor Agreement to the International Tropical Timber Agreement, 1983 (Article 48 on Supplementary and transitional provisions).

<b>Website</b>	www.itto.or.jp
<b>Objective</b>	→ ITTA, 1994 seeks to promote international trade in tropical timber, the sustainable management of tropical forests, and the development of tropical forest industries through international cooperation, policy work and project activities, as provided for in objectives (a) to (i) of Article 1.
<b>Date of Signature</b>	1 April 1994

<b>Entry into force</b>	<p>1 January 1997</p> <p><b>Article 46 – Duration, extension and termination</b></p> <p>"1. This Agreement shall remain in force for a period of four years after its entry into force unless the Council, by special vote, decides to extend, renegotiate or terminate it in accordance with the provisions of this article.</p> <p>2. The Council may, by special vote, decide to extend this Agreement for two periods of three years each.</p> <p>3. If, before the expiry of the four-year period referred to in paragraph 1 of this article, or before the expiry of an extension period referred to in paragraph 2 of this article, as the case may be, a new agreement to replace this Agreement has been negotiated but has not yet entered into force either definitively or provisionally, the Council may, by special vote, extend this Agreement until the provisional or definitive entry into force of the new agreement.</p> <p>4. If a new agreement is negotiated and enters into force during any period of extension of this Agreement under paragraph 2 or paragraph 3 of this article, this Agreement, as extended, shall terminate upon the entry into force of the new agreement.</p> <p>5. The Council may at any time, by special vote, decide to terminate this Agreement with effect from such date as it may determine...".</p> <p>→ In 2000, ITTA, 1994 was extended for a period of three years [Decision 4(XXVIII)]. It will remain in force until 31 December 2003. On 9 November 2002, the ITTA, 1994 was extended for a further period of three years with effect from 1 January 2004 to 31 December 2006 [Decision 9(XXXIII)].</p>
<b>Parties</b>	57 parties including 31 producing and 25 consuming countries, and the European Community.
<b>WTO Members</b>	54 Parties to ITTA are also WTO Members.
<b>Openness of membership</b>	<p><b>Article 38:1 – Signature, ratification, acceptance and approval</b></p> <p>"1. This Agreement shall be open for signature, at United Nations Headquarters from 1 April 1994 until one month after the date of its entry into force, by Governments invited to the United Nations Conference for the Negotiation of a Successor Agreement to the International Tropical Timber Agreement, 1983".</p> <p><b>Article 39:1 – Accession</b></p> <p>"1. This Agreement shall be open for accession by the Governments of all states upon conditions established by the Council, which shall include a time-limit for the deposit of instruments of accession. The Council may, however, grant extensions of time to Governments which are unable to accede by the time-limit set in the conditions of accession".</p>
<b>Decision-Making Bodies</b>	<p><b>1) The International Tropical Timber Council</b></p> <p><b>Article 6 – Composition of the International Tropical Timber Council</b></p> <p>"1. The highest authority of the Organization shall be the International Tropical Timber Council (ITTC), which shall consist of all the members of the Organization.</p> <p>2. Each member shall be represented in the Council by one representative and may designate alternates and advisers to attend sessions of the Council.</p> <p>3. An alternate representative shall be empowered to act and vote on behalf of the representative during the latter's absence or in special circumstances".</p> <p><b>Article 7 – Powers and functions of the Council</b></p> <p>"1. The Council shall exercise all such powers and perform or arrange for the performance of all such functions as are necessary to carry out the provisions of this Agreement.</p> <p>2. The Council shall, by special vote, adopt such rules and regulations as are necessary to carry out the provisions of this Agreement and as are consistent therewith, including its own rules of procedure and the financial rules and staff regulations of the Organization. Such financial rules regulations shall, inter alia, govern the receipt and expenditure of funds under the Administrative Account, the Special Account and the Bali Partnership Fund. The Council may, in its rules of procedure, provide for a procedure whereby it may, without meeting, decide specific questions.</p>



	<p>3. The Council shall keep such records as are required for the performance of its functions under this Agreement".</p> <p><b>Article 12 – Decisions and recommendations of the Council</b></p> <p>"1. The Council shall endeavour to take all decisions and to make all recommendations by consensus. If consensus cannot be reached, the Council shall take all decisions and make all recommendations by a simple distributed majority vote, unless this Agreement provides for a special vote.</p> <p>2. Where a member avails itself of the provisions of article 11, paragraph 2, and its votes are cast at a meeting of the Council, such member shall, for the purposes of paragraph 1 of this article, be considered as present and voting".</p> <p><b>Article 32 – General obligations of members</b></p> <p>"1. Members shall, for the duration of this Agreement, use their best endeavours and cooperate to promote the attainment of its objectives and to avoid any action contrary thereto.</p> <p>2. Members undertake to accept and carry out the decisions of the Council under the provisions of this Agreement and shall refrain from implementing measures which would have the effect of limiting or running counter to them".</p>
	<p><b>2) Committees</b></p> <p><b>Article 26:1 – Establishment of Committees</b></p> <p>"1. The following are hereby established as Committees of the Organization:</p> <ul style="list-style-type: none"> <li>(a) Committee on Economic Information and Market Intelligence</li> <li>(b) Committee on Reforestation and Forest Management</li> <li>(c) Committee on Forest Industry; and</li> <li>(d) Committee on Finance and Administration".</li> </ul> <p><b>Article 27:1-5 – Functions of the Committees</b></p> <p>1. The Committee on Economic Information and Market Intelligence shall:</p> <ul style="list-style-type: none"> <li>(a) Keep under review the availability and quality of statistics and other information required by the Organization;</li> <li>(b) Analyze the statistical data and specific indicators as decided by the Council for the monitoring of international timber trade;</li> <li>(c) Keep under continuous review the international timber market, its current situation and short-term prospects on the basis of the data mentioned in sub-paragraph (b) above and other relevant information, including information related to undocumented trade;</li> <li>(d) Make recommendations to the Council on the need for, and nature of, appropriate studies on tropical timber, including prices, market elasticity, market substitutability, marketing of new products, and long-term prospects of the international tropical timber market, and monitor and review any studies commissioned by the Council;</li> <li>(e) Carry out any other tasks related to the economic, technical and statistical aspects of timber assigned to it by the Council;</li> <li>(f) Assist in the provision of technical cooperation to developing member countries to improve their relevant statistical services.</li> </ul> <p>2. The Committee on Reforestation and Forest Management shall:</p> <ul style="list-style-type: none"> <li>(a) Promote cooperation between members as partners in development of forest activities in member countries, <i>inter alia</i>, in the following areas: <ul style="list-style-type: none"> <li>(i) Reforestation;</li> <li>(ii) Rehabilitation;</li> <li>(iii) Forest management;</li> </ul> </li> <li>(b) Encourage the increase of technical assistance and transfer of technology in the fields of reforestation and forest management to developing countries;</li> <li>(c) Follow up on-going activities in this field, and identify and consider problems and possible solutions to them in cooperation with the competent</li> </ul>

	<p>organizations;</p> <p>(d) Review regularly the future needs of international trade in industrial tropical timber and, on this basis, identify and consider appropriate possible schemes and measures in the field of reforestation, rehabilitation and forest management;</p> <p>(e) Facilitate the transfer of knowledge in the field of reforestation and forest management with the assistance of competent organizations;</p> <p>(f) Co-ordinate and harmonize these activities for cooperation in the field of reforestation and forest management with relevant activities pursued elsewhere, such as those under the auspices of the Food and Agricultural Organization (FAO), the United Nations Environmental Programme (UNEP), the World Bank, the United Nations Development Programme (UNDP), regional development banks and other competent organizations.</p> <p>3. The Committee on Forest Industry shall:</p> <p>(a) Promote cooperation between member countries as partners in the development of processing activities in producing member countries, inter alia, in the following areas:</p> <ul style="list-style-type: none"> <li>(i) Product development through transfer of technology;</li> <li>(ii) Human resources development and training;</li> <li>(iii) Standardization of nomenclature of tropical timber;</li> <li>(iv) Harmonization of specifications of processed products;</li> <li>(v) Encouragement of investment and joint ventures; and</li> <li>(vi) Marketing including the promotion of lesser known and lesser used species;</li> </ul> <p>(b) Promote the exchange of information in order to facilitate structural changes involved in increased and further processing in the interests of all member countries, in particular developing member countries;</p> <p>(c) Follow up on-going activities in this field, and identify and consider problems and possible solutions to them in cooperation with the competent organizations;</p> <p>(d) Encourage the increase of technical cooperation for the processing of tropical timber for the benefit of producing member countries.</p> <p>4. In order to promote the policy and project work of the Organization in a balanced manner the Committee on Economic Information and Market Intelligence, the Committee on Reforestation and Forest Management and the Committee on Forest Industry shall each:</p> <ul style="list-style-type: none"> <li>(a) Be responsible for ensuring the effective appraisal, monitoring and evaluation of pre-projects and projects;</li> <li>(b) Make recommendations to the Council relating to pre-projects and projects;</li> <li>(c) Follow up the implementation of pre-projects and projects and provide for the collection and dissemination of their results as widely as possible for the benefit of all members;</li> <li>(d) Develop and advance policy ideas to the Council;</li> <li>(e) Review regularly the results of project and policy work and make recommendations to the Council on the future of the Organization's programme;</li> <li>(f) Review regularly the strategies, criteria and priority areas for programme development and project work contained in the Organization's Action Plan and recommend revisions to the Council;</li> <li>(g) Take account of the need to strengthen capacity building and human resource development in member countries;</li> <li>(h) Carry out any other task related to the objectives of this Agreement assigned to them by the Council.</li> </ul> <p>5. Research and development shall be a common function of the Committees referred to in paragraphs 1, 2, and 3 of this article".</p>
<p><b>Amendments and Protocols</b></p>	<p><b>Article 42 – Amendments</b></p> <p>"1. The Council may, by special vote, recommend an amendment of this Agreement to members.</p> <p>2. The Council shall fix a date by which members shall notify the depositary of their acceptance of the amendment.</p> <p>3. An amendment shall enter into force 90 days after the depositary has received notifications of acceptance from members constituting at least two thirds of the producing members and accounting for at least 75 per cent of the votes of the producing members, and from members constituting at least two</p>

	<p>thirds of the consuming members and accounting for at least 75 per cent of the votes of the consuming members.</p> <p>4. After the depositary informs the Council that the requirements for entry into force of the amendment have been met, and notwithstanding the provisions of paragraph 2 of this article relating to the date fixed by the Council, a member may still notify the depositary of its acceptance of the amendment, provided that such notification is made before the entry into force of the amendment.</p> <p>5. Any member which has not notified its acceptance of an amendment by the date on which such amendment enters into force shall cease to be a party to this Agreement as from that date, unless such member has satisfied the Council that its acceptance could not be obtained in time owing to difficulties in completing its constitutional or institutional procedures, and the Council decides to extend for that member the period for acceptance of the amendment. Such member shall not be bound by the amendment before it has notified its acceptance thereof.</p> <p>6. If the requirements for the entry into force of the amendment have not been met by the date fixed by the Council in accordance with paragraph 2 of this article, the amendment shall be considered withdrawn".</p>
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## L. UN FISH STOCKS AGREEMENT

18. The UN Fish Stock Agreement is the Agreement for the Implementation of the Provisions of the UN Convention on the Law of the Sea (UNCLOS) of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement). Article 4 of the UN Fish Stocks Agreements on the Relationship between this Agreement and the Convention on the Law of the Sea provides that "[n]othing in this Agreement shall prejudice the rights, jurisdiction and duties of States under the Convention. This Agreement shall be interpreted and applied in the context of and in a manner consistent with the Convention".

<b>Website</b>	→ <a href="http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm">http://www.un.org/Depts/los/convention_agreements/convention_overview_fish_stocks.htm</a>
<b>Objective</b>	→ The UN Fish Stocks Agreement seeks to ensure the long-term conservation and sustainable use of straddling and highly migratory fish stocks by requiring coastal States and States fishing on the high seas to cooperate for these purposes, either directly or through appropriate subregional or Regional Fisheries Management Organizations (RFMOs) or arrangements.
<b>Date of Signature</b>	5 August 1995
<b>Entry into force</b>	11 December 2001
<b>Parties</b>	34
<b>WTO Members</b>	22 Parties to the UN Fish Stocks Agreement are also WTO Members.
<b>Openness of membership</b>	<p><b>Article 37 – Signature</b>          "This Agreement shall be open for signature by all States and the other entities referred to in article 1, paragraph 2(b)...".</p> <p><b>Article 1:2(b) – Use of terms and scope</b>          2. (b) This Agreement applies <i>mutatis mutandis</i>:              (i) to any entity referred to in article 305, paragraph 1 (c), (d) and (e), of the Convention and              (ii) subject to article 47, to any entity referred to as an "international organization" in Annex IX, article 1, of the Convention which becomes a Party to this Agreement, and to that extent "States Parties" refers to those entities".</p>

	<p><b>Article 305:1 of the UN Convention on the Law of the Sea – Signature</b></p> <p>"1. This Convention shall be open for signature by:</p> <ul style="list-style-type: none"> <li>(a) all States;</li> <li>(b) Namibia, represented by the United Nations Council for Namibia;</li> <li>(c) all self-governing associated States which have chosen that status in an act of self-determination supervised and approved by the United Nations in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;</li> <li>(d) all self-governing associated States which, in accordance with their respective instruments of association, have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;</li> <li>(e) all territories which enjoy full internal self-government, recognized as such by the United Nations, but have not attained full independence in accordance with General Assembly resolution 1514 (XV) and which have competence over the matters governed by this Convention, including the competence to enter into treaties in respect of those matters;</li> <li>(f) international organizations, in accordance with Annex IX".</li> </ul>
<b>Decision-Making Bodies</b>	<p><b>Article 36 – Review conference</b></p> <p>"1. Four years after the date of entry into force of this Agreement, the Secretary-General of the United Nations shall convene a conference with a view to assessing the effectiveness of this Agreement in securing the conservation and management of straddling fish stocks and highly migratory fish stocks. The Secretary-General shall invite to the conference all States Parties and those States and entities which are entitled to become parties to this Agreement as well as those intergovernmental and non-governmental organizations entitled to participate as observers.</p> <p>2. The conference shall review and assess the adequacy of the provisions of this Agreement and, if necessary, propose means of strengthening the substance and methods of implementation of those provisions in order better to address any continuing problems in the conservation and management of straddling fish stocks and highly migratory fish stocks".</p> <p>→ The Agreement provides for a Review Conference four years after the date of the entry into force of the Agreement (Article 36). However, the General Assembly of the United Nations in its Resolution 56/13 of 28 November 2001 has requested the Secretary-General of the United Nations, once the Agreement entered into force, to consult with the States Parties, for the purposes and objectives of, <i>inter alia</i>, considering the regional, subregional and global implementation of the Agreement; making any appropriate recommendation to the General Assembly on the scope and content of the annual report of the Secretary-General relating to the Agreement; and preparing for the review conference to be convened by the Secretary-General pursuant to Article 36 of the Agreement. The first Informal consultations of States Parties were held in New York, from 30 to 31 July 2002. They focussed on the early implementation of Part VII of the Agreement on Requirements of Developing States (Articles 24-26).</p> <p>→ In accordance with General Assembly Resolution 57/143, a second round of Informal Consultations is scheduled for end of July or early August 2003, to discuss, <i>inter alia</i>, the establishment of a trust fund in favour of developing States Parties, as required under Part VII of the Agreement.</p>
<b>Amendments and Protocols</b>	<p><b>Article 45 – Amendment</b></p> <p>"1. A State Party may, by written communication addressed to the Secretary-General of the United Nations, propose amendments to this Agreement and request the convening of a conference to consider such proposed amendments. The Secretary-General shall circulate such communication to all States Parties. If, within six months from the date of the circulation of the communication, not less than one half of the States Parties reply favourably to the request, the Secretary-General shall convene the conference.</p> <p>2. The decision-making procedure applicable at the amendment conference convened pursuant to paragraph 1 shall be the same as that applicable at the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, unless otherwise decided by the conference. The conference should make every effort to reach agreement on any amendments by way of consensus and there should be no voting on them until all efforts at consensus</p>

	<p>have been exhausted.</p> <p>3. Once adopted, amendments to this Agreement shall be open for signature at United Nations Headquarters by States Parties for twelve months from the date of adoption, unless otherwise provided in the amendment itself.</p> <p>4. Articles 38, 39, 47 and 50 apply to all amendments to this Agreement.</p> <p>5. Amendments to this Agreement shall enter into force for the States Parties ratifying or acceding to them on the thirtieth day following the deposit of instruments of ratification or accession by two thirds of the States Parties. Thereafter, for each State Party ratifying or acceding to an amendment after the deposit of the required number of such instruments, the amendment shall enter into force on the thirtieth day following the deposit of its instrument of ratification or accession.</p> <p>6. An amendment may provide that a smaller or a larger number of ratifications or accessions shall be required for its entry into force than are required by this article. of amendments in accordance with paragraph 5 shall, failing an expression of a different intention by that State:</p> <p>(a) be considered as a Party to this Agreement as so amended; and</p> <p>(b) be considered as a Party to the unamended Agreement in relation to any State Party not bound by the amendment".</p>
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M. ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE

<b>Website</b>	<a href="http://www.pic.int/">http://www.pic.int/</a>
<b>Objective</b>	<p>→ The objective of the Rotterdam Convention is to promote shared responsibility and cooperative effort among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.</p> <p>→ The Convention provides that chemicals subject to the Convention may be exported only in accordance with an informed decision by importing Parties.</p>
<b>Date of Signature</b>	10 September 1998
<b>Entry into force</b>	<p>Not in force</p> <p><b>Article 26 – Entry into force</b></p> <p>"1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.</p> <p>2. For each State or regional economic integration organization that ratifies, accepts or approves this 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.</p> <p>3. For the purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization".</p>
<b>Parties</b>	41
<b>WTO Members</b>	34 Parties to the Rotterdam Convention are also WTO Members.
<b>Openness of membership</b>	<p><b>Article 24 – Signature</b></p> <p>"This Convention shall be open for signature at Rotterdam by all States and regional economic integration organizations...".</p>

	<p><b>Article 25:1 – Ratification, acceptance, approval or accession</b></p> <p>"1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations 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".</p>
<b>Decision-Making Bodies</b>	<p><b>Article 18:5-6 – Conference of the Parties</b></p> <p>"5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall:</p> <ul style="list-style-type: none"> <li>(a) Establish, further to the requirements of paragraph 6 below, such subsidiary bodies, as it considers necessary for the implementation of the Convention;</li> <li>(b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and</li> <li>(c) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.</li> </ul> <p>6. The Conference of the Parties shall, at its first meeting, establish a subsidiary body, to be called the Chemical Review Committee, for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:</p> <ul style="list-style-type: none"> <li>(a) The members of the Chemical Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of a limited number of government-designated experts in chemicals management. The members of the Committee shall be appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties;</li> <li>(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee;</li> <li>(c) The Committee shall make every effort to make its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting". </li></ul>
<b>Amendments and Protocols</b>	<p><b>Article 21 – Amendments to the Convention</b></p> <p>"1. Amendments to this Convention may be proposed by any Party.</p> <p>2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories to this Convention and, for information, to the Depositary.</p> <p>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.</p> <p>4. The amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.</p> <p>5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three fourths of the Parties. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment".</p>

N. STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

<b>Website</b>	<a href="http://www.pops.int/">http://www.pops.int/</a>
<b>Objective</b>	→ The Convention is aimed at the reduction or elimination of releases of Persistent Organic Pollutants (POPs) into the environment.
<b>Date of Signature</b>	22 May 2001
<b>Entry into force</b>	<p>Not in force</p> <p><b>Article 26 – Entry into force</b></p> <p>"1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.</p> <p>2. For each State or regional economic integration organization that ratifies, accepts or approves this 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.</p> <p>3. For the purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization".</p>
<b>Parties</b>	30
<b>WTO Members</b>	22 Parties to the Stockholm Convention are also WTO Members.
<b>Openness of membership</b>	<p><b>Article 24 – Signature</b></p> <p>"This Convention shall be open for signature at Stockholm by all States and regional economic integration organizations...".</p> <p><b>Article 25 – Ratification, acceptance, approval or accession</b></p> <p>"1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations 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".</p>
<b>Decision-Making Bodies</b>	<p><b>Article 19:5-7 – Conference of the Parties</b></p> <p>"5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall:</p> <ul style="list-style-type: none"> <li>(a) Establish, further to the requirements of paragraph 6, such subsidiary bodies as it considers necessary for the implementation of the Convention;</li> <li>(b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and</li> <li>(c) Regularly review all information made available to the Parties pursuant to Article 15, including consideration of the effectiveness of paragraph 2 (b) (iii) of Article 3;</li> <li>(d) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.</li> </ul> <p>6. The Conference of the Parties shall, at its first meeting, establish a subsidiary body to be called the Persistent Organic Pollutants Review Committee for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:</p> <ul style="list-style-type: none"> <li>(a) The members of the Persistent Organic Pollutants Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of government-designated experts in chemical assessment or management. The members of the Committee shall be appointed on the basis of equitable geographical distribution;</li> <li>(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee; and</li> <li>(c) The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.</li> </ul>

	7. The Conference of the Parties shall, at its third meeting, evaluate the continued need for the procedure contained in paragraph 2 (b) of Article 3, including consideration of its effectiveness.
<b>Amendments and Protocols</b>	<p><b>Article 21 – Amendments to the Convention</b></p> <p>"1. Amendments to this Convention may be proposed by any Party.</p> <p>2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate proposed amendments to the signatories to this Convention and, for information, to the depositary.</p> <p>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.</p> <p>4. The amendment shall be communicated by the depositary to all Parties for ratification, acceptance or approval.</p> <p>5. Ratification, acceptance or approval of an amendment shall be notified to the depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three-fourths of the Parties. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment".</p>



## II. TRADE-RELATED MEASURES

### A. INTERNATIONAL PLANT PROTECTION CONVENTION

IPPC 1979	1997 Amendments
<p><b>Article V – Phytosanitary certificates</b></p> <p>"1. Each contracting party shall make arrangements for the issuance of phytosanitary certificates to accord with the plant protection regulations of other contracting parties, and in conformity with the following provisions:</p> <ul style="list-style-type: none"> <li>(a) Inspection shall be carried out and certificates issued only by or under the authority of technically qualified and duly authorized officers and in such circumstances and with such knowledge and information available to those officers that the authorities of importing countries may accept such certificates with confidence as dependable documents.</li> <li>(b) Each certificate for the export or re-export of plants or plant products shall be as worded in the Annex to this Convention.</li> <li>(c) Uncertified alterations or erasures shall invalidate the certificates.</li> </ul> <p>2. Each contracting party undertakes not to require consignments of plants or plant products imported into its territories to be accompanied by phytosanitary certificates inconsistent with the models set out in the Annex to this Convention. Any requirement for additional declarations shall be kept to a minimum".</p> <p><b>Article VI – Requirements in relation to imports</b></p> <p>"1. With the aim of preventing the introduction of pests of plants and plant products into their territories, contracting parties shall have full authority to regulate the entry of plants and plant products and to this end, may:</p> <ul style="list-style-type: none"> <li>(a) prescribe restrictions or requirements concerning the importation of plants or plant products;</li> <li>(b) prohibit the importation of particular plants or plant products, or of particular consignments of plants or plant products;</li> <li>(c) inspect or detain particular consignments of plants or plant products;</li> <li>(d) treat, destroy or refuse entry to particular consignments of plants or plant products that do not comply with the requirements prescribed under subparagraph (a) or (b) of this paragraph, or require such consignments to be treated or destroyed or removed from the country;</li> <li>(e) list pests the introduction of which is prohibited or restricted because they are of potential economic importance to the country concerned.</li> </ul> <p>2. In order to minimize interference with international trade, each contracting party undertakes to carry out the provisions referred to in paragraph 1 of this Article in</p>	<p><b>Article V – Phytosanitary certification</b></p> <p>"1. Each contracting party shall make arrangements for phytosanitary certification, with the objective of ensuring that exported plants, plant products and other regulated articles and consignments thereof are in conformity with the certifying statement to be made pursuant to paragraph 2(b) of this Article.</p> <p>2. Each contracting party shall make arrangements for the issuance of phytosanitary certificates in conformity with the following provisions:</p> <ul style="list-style-type: none"> <li>a) Inspection and other related activities leading to issuance of phytosanitary certificates shall be carried out only by or under the authority of the official national plant protection organization. The issuance of phytosanitary certificates shall be carried out by public officers who are technically qualified and duly authorized by the official national plant protection organization to act on its behalf and under its control with such knowledge and information available to those officers that the authorities of importing contracting parties may accept the phytosanitary certificates with confidence as dependable documents.</li> <li>b) Phytosanitary certificates, or their electronic equivalent where accepted by the importing contracting party concerned, shall be as worded in the models set out in the Annex to this Convention. These certificates should be completed and issued taking into account relevant international standards.</li> <li>c) Uncertified alterations or erasures shall invalidate the certificates.</li> </ul> <p>3. Each contracting party undertakes not to require consignments of plants or plant products or other regulated articles imported into its territories to be accompanied by phytosanitary certificates inconsistent with the models set out in the Annex to this Convention. Any requirements for additional declarations shall be limited to those technically justified".</p> <p><b>Article VII – Requirements in relation to imports</b></p> <p>"1. With the aim of preventing the introduction and/or spread of regulated pests into their territories, contracting parties shall have sovereign authority to regulate, in accordance with applicable international agreements, the entry of plants and plant products and other regulated articles and, to this end, may:</p> <ul style="list-style-type: none"> <li>(a) prescribe and adopt phytosanitary measures concerning the importation of plants, plant products and other regulated articles, including, for example, inspection, prohibition on importation, and treatment;</li> </ul>

IPPC 1979	1997 Amendments
<p>conformity with the following:</p> <p>(a) Contracting parties shall not, under their plant protection legislation, take any of the measures specified in paragraph 1 of this Article unless such measures are made necessary by phytosanitary considerations.</p> <p>(b) If a contracting party prescribes any restrictions or requirements concerning the importation of plants and plant products into its territories, it shall publish the restrictions or requirements and communicate them immediately to FAO, any regional plant protection organization of which the contracting party is a member and all other contracting parties directly concerned.</p> <p>(c) If a contracting party prohibits, under the provisions of its plant protection legislation, the importation of any plants or plant products, it shall publish its decision with reasons and shall immediately inform FAO, any regional plant protection organization of which the contracting party is a member and all other contracting parties directly concerned.</p> <p>(d) If a contracting party requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not unnecessarily to impede international commerce. The contracting party shall publish a list of such points of entry and communicate it to FAO, any regional plant protection organization of which the contracting party is a member and all other contracting parties directly concerned. Such restrictions on points of entry shall not be made unless the plants or plant products concerned are required to be accompanied by phytosanitary certificates or to be submitted to inspection or treatment.</p> <p>(e) Any inspection by the plant protection organization of a contracting party of consignments of plants or plant products offered for importation shall take place as promptly as possible with due regard to the perishability of the plants or plant products concerned. If any commercial or certified consignment of plants or plant products is found not to conform to the requirements of the plant protection legislation of the importing country, the plant protection organization of the importing country must ensure that the plant protection organization of the exporting country is properly and adequately informed. If the consignment is destroyed, in whole or in part, an official report shall be forwarded immediately to the plant protection organization of the exporting country.</p> <p>(f) Contracting parties shall make provisions which, without endangering their own plant production, will keep certification requirements to a minimum, particularly for plants or plant products not intended for planting, such as cereals, fruits, vegetables and cut flowers.</p> <p>(g) Contracting parties may make provisions, with adequate safeguards, for the</p>	<p>(b) refuse entry or detain, or require treatment, destruction or removal from the territory of the contracting party, of plants, plant products and other regulated articles or consignments thereof that do not comply with the phytosanitary measures prescribed or adopted under subparagraph a);</p> <p>(c) prohibit or restrict the movement of regulated pests into their territories;</p> <p>(d) prohibit or restrict the movement of biological control agents and other organisms of phytosanitary concern claimed to be beneficial into their territories.</p> <p>2. In order to minimize interference with international trade, each contracting party, in exercising its authority under paragraph 1 of this Article, undertakes to act in conformity with the following:</p> <p>(a) Contracting parties shall not, under their phytosanitary legislation, take any of the measures specified in paragraph 1 of this Article unless such measures are made necessary by phytosanitary considerations and are technically justified.</p> <p>(b) Contracting parties shall, immediately upon their adoption, publish and transmit phytosanitary requirements, restrictions and prohibitions to any contracting party or parties that they believe may be directly affected by such measures.</p> <p>(c) Contracting parties shall, on request, make available to any contracting party the rationale for phytosanitary requirements, restrictions and prohibitions.</p> <p>(d) If a contracting party requires consignments of particular plants or plant products to be imported only through specified points of entry, such points shall be so selected as not to unnecessarily impede international trade. The contracting party shall publish a list of such points of entry and communicate it to the Secretary, any regional plant protection organization of which the contracting party is a member, all contracting parties which the contracting party believes to be directly affected, and other contracting parties upon request. Such restrictions on points of entry shall not be made unless the plants, plant products or other regulated articles concerned are required to be accompanied by phytosanitary certificates or to be submitted to inspection or treatment.</p> <p>(e) Any inspection or other phytosanitary procedure required by the plant protection organization of a contracting party for a consignment of plants, plant products or other regulated articles offered for importation, shall take place as promptly as possible with due regard to their perishability.</p> <p>(f) Importing contracting parties shall, as soon as possible, inform the exporting contracting party concerned or, where appropriate, the re-exporting contracting party concerned, of significant instances of non-compliance with phytosanitary certification. The exporting contracting party or, where appropriate, the re-exporting contracting party concerned, should investigate and, on request, report the result of its investigation to the importing contracting party concerned.</p>

IPPC 1979	1997 Amendments
<p>importation for purposes of scientific research or education, of plants and plant products and of specimens of plant pests. Adequate safeguards likewise need to be taken when introducing biological control agents and organisms claimed to be beneficial.</p> <p>3. The measures specified in this Article shall not be applied to goods in transit throughout the territories of contracting parties unless such measures are necessary for the protection of their own plants.</p> <p>4. FAO shall disseminate information received on importation restrictions, requirements, prohibitions and regulations (as specified in paragraph 2(b), (c) and (d) of this Article) at frequent intervals to all contracting parties and regional plant protection organizations".</p>	<p>(g) Contracting parties shall institute only phytosanitary measures that are technically justified, consistent with the pest risk involved and represent the least restrictive measures available, and result in the minimum impediment to the international movement of people, commodities and conveyances.</p> <p>(h) Contracting parties shall, as conditions change, and as new facts become available, ensure that phytosanitary measures are promptly modified or removed if found to be unnecessary.</p> <p>(i) Contracting parties shall, to the best of their ability, establish and update lists of regulated pests, using scientific names, and make such lists available to the Secretary, to regional plant protection organizations of which they are members and, on request, to other contracting parties.</p> <p>(j) Contracting parties shall, to the best of their ability, conduct surveillance for pests and develop and maintain adequate information on pest status in order to support categorization of pests, and for the development of appropriate phytosanitary measures. This information shall be made available to contracting parties, on request.</p> <p>3. A contracting party may apply measures specified in this Article to pests which may not be capable of establishment in its territories but, if they gained entry, cause economic damage. Measures taken against these pests must be technically justified.</p> <p>4. Contracting parties may apply measures specified in this Article to consignments in transit through their territories only where such measures are technically justified and necessary to prevent the introduction and/or spread of pests.</p> <p>5. Nothing in this Article shall prevent importing contracting parties from making special provision, subject to adequate safeguards, for the importation, for the purpose of scientific research, education, or other specific use, of plants and plant products and other regulated articles, and of plant pests.</p> <p>6. Nothing in this Article shall prevent any contracting party from taking appropriate emergency action on the detection of a pest posing a potential threat to its territories or the report of such a detection. Any such action shall be evaluated as soon as possible to ensure that its continuance is justified. The action taken shall be immediately reported to contracting parties concerned, the Secretary, and any regional plant protection organization of which the contracting party is a member".</p>

## B. INTERNATIONAL CONVENTION FOR THE CONSERVATION OF ATLANTIC TUNAS

19. The International Commission for the Conservation of Atlantic Tunas is not a regulatory body, however, regulatory Recommendations and Resolutions related to the conservation of tuna and tuna-like species in the Atlantic Ocean and adjacent seas, adopted by the Commission, are to be implemented domestically by Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities. Recommendations are the only binding instruments. They are subject to a 6 month period during which Contracting Parties can file an objection (see Article VIII:3). The Recommendations then enter into force after the 6 month objection period. Resolutions are a second instrument of the Commission, but are not subject to an objection period. The number of Resolutions and Recommendations that the Commission adopts each year has been increasing. They include the following:

### 1. Resolutions

<b>Resolution 94-3 Bluefin Tuna Action Plan</b>	<b>Resolution Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna (Entered into force: October 2, 1995) – Article (f):</b> "[The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:] to ensure the effectiveness of ICCAT Bluefin Conservation Programme the Commission will recommend that Contracting Parties take non-discriminatory trade restrictive measures, consistent with international obligations on bluefin tuna products in any form ...".
<b>Resolution 95-13 Atlantic Swordfish Action Plan</b>	<b>Resolution Concerning an Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Swordfish (Entered into force: June 22, 1996) – Article (f):</b> "[The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:] to ensure the effectiveness of ICCAT conservation recommendations for Atlantic swordfish, the Commission will recommend that Contracting Parties take non-discriminatory trade restrictive measures, consistent with their international obligations, with respect to Atlantic swordfish products in any form ...".
<b>Resolution 98-18 Unreported and Unregulated Tuna Catches By Large-Scale LL in Convention Area (1998 IUU Resolution)</b>	<b>Resolution Concerning the Unreported and Unregulated Catches of Tunas by Large-Scale Longline Vessels in the Convention Area (Entered into force: June 21, 1999) – Article 5</b> "[The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:] The Commission will recommend effective measures, if necessary including non-discriminatory trade restrictive measures on the subject species, consistent with their international obligations, to prevent those longline vessels of those Contracting Parties and non-contracting parties/entities or fishing entities identified in paragraph 4 above from continuing the fishing operations for tunas and tuna-like species in a manner which diminishes the effectiveness of the ICCAT conservation measures".
<b>Resolution 99-11 Further Actions Against IUUs</b>	<b>Resolution Calling for Further Actions Against Illegal, Unregulated, and Unreported Fishing Activities by Large-Scale Longline Vessels in the Convention Area and Other Areas (Transmitted to Contracting Parties: December 16, 1999) – Article 2 (i)</b> "[The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:] The Contracting Parties, Cooperating Non-Contracting Parties, Entities or Fishing Entities shall take every possible action, consistent with the relevant laws, i. to urge their importers, transporters and other concerned business people to refrain from engaging in transaction and transshipment of tunas and tuna-like species caught by vessels carrying out illegal, unregulated and unreported fishing activities in the Convention Area and other areas."
<b>Resolution 01-18 Scope of IUU Fishing</b>	<b>Resolution Further Defining the Scope of IUU Fishing (Transmitted to Contracting Parties: March 22, 2002)</b> "[The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:] Contracting Parties and Cooperating Non-Contracting Parties, Entities and Fishing Entities shall take every possible action, consistent with relevant laws, to instruct their importers, transporters, and other concerned business people to refrain from engaging in transaction and transshipment of tunas and tuna-like species caught by

	vessels carrying out illegal, unregulated, and unreported fishing activities, which include, inter alia, any fishing not in compliance with relevant ICCAT conservation and management measures, in the Convention Area or other areas."
<b>Resolution 02-25 Measures to Prevent the Laundering of Catches by IUU Large-Scale Tuna Longline Fishing Vessels</b>	<p><b>Resolution concerning the Measures to Prevent the Laundering of Catches by IUU Large-Scale Tuna Longline Fishing Vessels (Transmitted to Contracting Parties on December 4, 2002)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:]</p> <ol style="list-style-type: none"> <li>1. Contracting Parties, Cooperating non Contracting Parties, Entities or Fishing Entities (hereinafter referred to as the "CPCs") should ensure that their duly licensed large-scale tuna longline fishing vessels have a prior authorization of at sea or in port transshipment and obtain the validated Statistical Document, whenever possible, prior to the transshipment of their tuna and tuna-like species subject to the Statistical Document Programs. They should also ensure that transshipments are consistent with the reported catch amount of each vessel in validating the Statistical Document and require the reporting of transshipment.</li> <li>2. CPCs that import tuna and tuna-like species caught by large-scale tuna longline fishing vessels and subject to the Statistical Document Programs should require transporters (which include container vessels, mother vessels, and the like) that intend to land such species in their ports, to ensure that Statistical Documents are issued, whenever possible before the transshipment. Importing CPCs should obligate the transporters to submit necessary documents, including a copy of the validated Statistical Document and other documents, as required under domestic regulation, such as the receipt of transshipment, to the importing CPCs' authorities immediately after the transshipment".</li> </ol>
<b>Resolution 02-26 Cooperative Actions to Eliminate IUU Fishing Activities by Large-Scale Tuna Longline Vessels</b>	<p><b>Resolution concerning Cooperative Actions to Eliminate IUU Fishing Activities by Large-Scale Tuna Longline Vessels (Transmitted to Contracting Parties on December 4, 2002)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:]</p> <ol style="list-style-type: none"> <li>1. Japan and Chinese Taipei should further work together to eliminate the remaining IUU LSTLVs owned and/or operated by Chinese Taipei's residents.</li> <li>2. Japan should work closely with the flag States of LSTLVs and if appropriate take joint action, so as to implement the Recommendation smoothly and satisfactorily and to achieve the objective of paragraph 1 above.</li> <li>3. The Commission urges Chinese Taipei to consider adopting appropriate domestic legislation to improve its ability to control its residents that invest in or otherwise support or engage in IUU fishing.</li> <li>4. Contracting Parties, Cooperating non-Contracting Parties, Entities or Fishing Entities should urge and may instruct their residents to refrain from engaging in and/or associating with activities that may support IUU tuna longline fishing vessels and with any other activities that undermine the effectiveness of ICCAT conservation and management measures".</li> </ol>
<b>Resolution 02-27 Process and Criteria for ICCAT IUU Trade Restrictive Measures</b>	<p><b>Resolution concerning Process and Criteria for ICCAT IUU Trade Restrictive Measures (Transmitted to Contracting Parties on December 4, 2002)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:]</p> <ol style="list-style-type: none"> <li>1. A Working Group meeting of Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities should be convened in 2003, preferably in conjunction with another inter-sessional meeting, to develop criteria and a process for the fair, transparent and consistent application of ICCAT measures, including trade restrictive measures, to prevent, deter and eliminate IUU fishing.</li> <li>2. In carrying out its task, the Working Group should: <ol style="list-style-type: none"> <li>a) review the processes for the imposition or removal of trade restrictive measures under existing ICCAT instruments;</li> <li>b) further develop and elaborate criteria and consistent procedures allowing for the imposition or removal of trade restrictive measures in a fair, transparent and nondiscriminatory manner and in accordance with international law, including principles, rights and obligations laid down in WTO Agreements;</li> <li>c) consider all relevant factors, including possible differences between Contracting Parties and non-Contracting Parties;</li> </ol> </li> </ol>

	<p>d) develop and elaborate, as appropriate, additional measures for the listing or de-listing of IUU fishing vessels to other types of IUU fishing activities that are not yet covered by existing ICCAT instruments; and</p> <p>e) report to the Commission at its annual meeting in 2003.</p> <p>3. As a minimum, the Working Group should consider, <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>- Appendix 4.6 of the Report of the ICCAT Ad Hoc Working Group on Measures to Combat IUU Fishing (Tokyo, Japan, May 27-30, 2002): Canada's Criteria for the Imposition and Removal of Trade Restrictive Measures for Consideration at the ICCAT Working Group Meeting on IUU;</li> <li>- Appendix 4.7 of the same Report. EC's Explanatory Memorandum;</li> <li>- Draft Resolution by ICCAT for a Bluefin Tuna, Swordfish and Bigeye Tuna Action Plan;</li> <li>- Draft Resolution by ICCAT Concerning Compliance in the Fisheries of Bluefin Tuna, Swordfish and Bigeye Tuna; and</li> <li>- Draft Resolution by ICCAT on the Introduction of Supplementary Procedure on ICCAT Trade-Related Schemes, and the Explanatory Memorandum of same".</li> </ul>
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## 2. Recommendations

<p><b>Recommendation 96-11</b> <b>Belize &amp; Honduras:</b> <b>Pursuant to 1994 Bluefin</b> <b>Tuna Action Plan</b> <b>Resolution</b></p>	<p><b>Recommendation Regarding Belize and Honduras Pursuant to the 1994 Bluefin Tuna Action Plan Resolution (Entered into force: August 4, 1997) –Article (a)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:] Contracting Parties take appropriate measures, consistent with provisions of the "Resolution by ICCAT Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna", to the effect that the import of Atlantic bluefin tuna and its products in any form from Belize and Honduras be prohibited, effective from the time this Recommendation enters into force."</p> <p>→ The import ban was lifted for Honduras, effective on 21 September 2002 (<i>Recommendation 01-15 – Lifting of Bluefin Tuna and Swordfish Import Ban on Honduras</i>)</p> <p>→ In the case of Belize, pending a satisfactory review of Belize's progress in 2003, the Commission will consider the lifting of sanctions against Belize on 1 January 2004 (<i>Recommendation 02-16 – Importation of Atlantic Bluefin Tuna, Atlantic Swordfish, and Atlantic Bigeye Tuna and their Products from Belize</i>).</p>
<p><b>Recommendation 96-12</b> <b>Panama: Pursuant to</b> <b>1994 Bluefin Tuna</b> <b>Action Plan Resolution</b></p>	<p><b>Recommendation Regarding Panama Pursuant to the 1994 ICCAT Bluefin Tuna Action Plan Resolution (Entered into force: August 4, 1997) – Article (a)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:] Contracting Parties take appropriate measures, consistent with provisions of the "Resolution by ICCAT Concerning an Action Plan to Ensure Effectiveness of the Conservation Program for Atlantic Bluefin Tuna", to the effect that the import of Atlantic bluefin tuna and its products in any form from Panama be prohibited, effective from 1 January 1998, unless the Commission decides, on the basis of documentary evidence, at its 1997 meeting or before, that Panama has brought its fishing practices for Atlantic bluefin tuna into consistency with ICCAT conservation and management measures."</p> <p>→ The import ban was lifted for Panama in 1999 (<i>Recommendation 99-9 – Panama: Lift Bluefin Tuna Import Prohibition</i>)</p>
<p><b>Recommendation 96-14</b> <b>Compliance in Bluefin &amp;</b> <b>North Atlantic Swordfish</b> <b>Fisheries</b></p>	<p><b>Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries (Entered into force: August 4, 1997) – Article 3</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:] ... if any Contracting Party exceeds its catch limit during any two consecutive management periods, the Commission will recommend appropriate measures, which may include, but are not</p>

	<p>limited to, reduction in the catch limit equal to a minimum of 125% of the excess harvest, and, if necessary, trade restrictive measures. Any trade measures under this paragraph will be import restrictions on the subject species and consistent with each Party's international obligations. The trade measures will be of such duration and under such conditions as the Commission may determine."</p> <p>→ This recommendation was extended to South Atlantic swordfish fishery, effective on 24 September 1998 (<i>Recommendation 97-8 – Compliance in the South Atlantic Swordfish Fishery</i>)</p>
<p><b>Recommendation 99-8</b> <b>Belize &amp; Honduras:</b> <b>Pursuant to 1995</b> <b>Swordfish Action Plan</b></p>	<p><b>Recommendation Regarding Belize and Honduras Pursuant to the 1995 Swordfish Action Plan Resolution (Entered into force: June 15, 2000) – Article (a)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:] Contracting Parties take appropriate measures, consistent with provisions of the Resolution by ICCAT for an Action Plan to Ensure the Effectiveness of the Conservation Program for Atlantic Swordfish, to the effect that the import of Atlantic swordfish and its products in any form from Belize and Honduras be prohibited, effective from the time this Recommendation enters into force."</p> <p>→ The import ban was lifted for Honduras in 2001 (<i>Recommendation 01-15 – Lifting of Bluefin Tuna and Swordfish Import Ban on Honduras</i>)</p> <p>→ In the case of Belize, pending a satisfactory review of Belize's progress in 2003, the Commission will consider the lifting of sanctions against Belize on 1 January 2004 (<i>Recommendation 02-16 – Importation of Atlantic Bluefin Tuna, Atlantic Swordfish, and Atlantic Bigeye Tuna and their Products from Belize</i>).</p>
<p><b>Recommendation 99-10</b> <b>Equatorial Guinea:</b> <b>Pursuant to 1996</b> <b>Compliance</b> <b>Recommendation -</b> <b>Bluefin Tuna and NA</b> <b>Swordfish Fisheries</b></p>	<p><b>Recommendation Regarding Equatorial Guinea Pursuant to the 1996 "Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries (Entered into force: June 15, 2000) – Article (a)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:] Contracting Parties take appropriate measures, consistent with provisions of the 1996 Recommendation Regarding Compliance in the Bluefin Tuna and North Atlantic Swordfish Fisheries to the effect that the import of Atlantic bluefin tuna and its products in any form from Equatorial Guinea be prohibited, effective from the time this Recommendation enters into force."</p>
<p><b>Recommendation 00-15</b> <b>Belize, Cambodia,</b> <b>Honduras, St. Vincent &amp;</b> <b>The Grenadines:</b> <b>Pursuant to 1998 IUU</b> <b>Resolution</b></p>	<p><b>Recommendation Regarding Belize, Cambodia, Honduras, and St. Vincent and the Grenadines Pursuant to the 1998 Resolution Concerning the Unreported and Unregulated Catches of Tuna by Large-Scale Longline Vessels in the Convention Area (Entered into force: October 15, 2001) – Article 1</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:] Contracting Parties take appropriate measures, consistent with provisions of the 1998 Resolution, to the effect that the import of Atlantic bigeye tuna and its products in any form from Belize, Cambodia, Honduras and St. Vincent and the Grenadines be prohibited, effective from the time this Recommendation enters into force..."</p> <p>→ A similar import ban was recommended for Equatorial Guinea, effective on 26 June 2001 (<i>Recommendation 00-16 – Equatorial Guinea Pursuant to 1998 IUU Resolution</i>)</p> <p>→ The import ban of Atlantic bigeye tuna was lifted for St. Vincent and the Grenadines, effective on 21 September 2002 (<i>Recommendation 01-14 – Lifting of Bigeye Tuna and Bigeye Tuna Products Import Ban on St. Vincent</i>)</p> <p>→ The import ban of Atlantic bigeye tuna was initially to be lifted for St. Vincent and the Grenadines on 1 January 2003 (<i>Recommendation 01-14 – Lifting of Bigeye Tuna and Bigeye Tuna Products Import Ban on St. Vincent and the Grenadines</i>), however at the 2002 meeting of the Commission this was amended to 1 January 2004, pending satisfactory review (<i>Recommendation 02-20 – Trade Sanction against St. Vincent and the Grenadines</i>).</p> <p>→ In the case of Belize, pending a satisfactory review of Belize's progress in 2003, the Commission will consider the lifting of sanctions against Belize on 1 January 2004 (<i>Recommendation 02-16 – Importation of Atlantic Bluefin Tuna, Atlantic Swordfish, and Atlantic Bigeye Tuna and their Products from Belize</i>).</p>

	<p>→ The import ban of Atlantic bigeye tuna was lifted for Honduras at the 2002 meeting of the Commission (<i>Recommendation 02-18 – The Importation of Bigeye Tuna and its Products From Honduras</i>).</p>
<p><b>Recommendation 02-17</b> <b>Bolivia: pursuant to the 1998 IUU Resolution</b></p>	<p><b>Recommendation Regarding Bolivia pursuant to the 1998 Resolution Concerning the Unreported and Unregulated Catches of Tuna by Large-Scale Longline Vessels in the Convention Area (Enters into force in June 2003)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:] Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities take appropriate measures, consistent with provisions of the 1998 Resolution, to the effect that the import of Atlantic bigeye tuna and its products in any form from Bolivia be prohibited, effective from the time this Recommendation...".</p>
<p><b>Recommendation 02-19</b> <b>Trade Restrictive Measures on Sierra Leone</b></p>	<p><b>Recommendation for Trade Restrictive Measures on Sierra Leone (Enters into force in June 2003)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:] Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities take appropriate measures consistent with the provisions of the 1998 Resolution to the effect that the import of Atlantic bigeye tuna, Atlantic swordfish and Atlantic bluefin tuna and their products in any form from Sierra Leone be prohibited effective from the time this Recommendation enters into force...".</p>
<p><b>Recommendation 02-22</b> <b>Establishment of an ICCAT Record of Vessels over 24 Meters Authorized to Operate in the Convention Area</b></p>	<p><b>Recommendation Concerning the Establishment of an ICCAT Record of Vessels over 24 Meters Authorized to Operate in the Convention Area (Positive List) (Enters into force in June 2003)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:]</p> <p>1. The Commission shall establish and maintain an ICCAT record of fishing vessels larger than 24 meters in length overall (hereinafter referred to as "large scale fishing vessels" or "LSFVs") authorized to fish for tuna and tuna-like species in the Convention Area. For the purpose of this recommendation, LSFVs not entered into the record are deemed not to be authorized to fish for, retain on board, transship or land tuna and tuna-like species...".</p>
<p><b>Recommendation 02-23</b> <b>Establishment of a List of Vessels Presumed to Have Carried out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area</b></p>	<p><b>Recommendation Concerning the Establishment of a List of Vessels Presumed to Have Carried out Illegal, Unreported and Unregulated Fishing Activities in the ICCAT Convention Area (Negative List) (Enters into force in June 2003)</b></p> <p>"[The International Commission for the Conservation of Atlantic Tunas (ICCAT) recommends that:] ...</p> <p>9. Contracting Parties and Cooperating non-Contracting Parties, Entities or Fishing Entities shall take all necessary measures, under their applicable legislation:</p> <ul style="list-style-type: none"> <li>a) So that the fishing vessels, the mother ships and the cargo vessels flying their flag do not participate in any transshipment with vessels registered on the IUU list;</li> <li>b) So that IUU vessels that enter ports voluntarily are not authorized to land or transship therein;</li> <li>c) To prohibit the chartering of a vessel included on the IUU list;</li> <li>d) To refuse to grant their flag to vessels included in the IUU list, except if the vessel has changed owner; and the new owner has provided sufficient evidence demonstrating the previous owner or operator has no further legal, beneficial or financial interest in, or control of, the vessel, or having taken into account all relevant facts, the flag Contracting Party or Cooperating non-Contracting Party, Entity or Fishing Entity determines that granting the vessel its flag will not result in IUU fishing;</li> <li>e) To prohibit the imports, or landing and/or transshipment, of tuna and tuna-like species from vessels included in the IUU list;</li> <li>f) To encourage the importers, transporters and other sectors concerned, to refrain from transaction and transshipment of tuna and tuna-like species caught by vessels included in the IUU list;</li> <li>g) To collect and exchange with other Contracting Parties or Cooperating non-Contracting Parties, Entities or Fishing Entities any appropriate information with the aim of searching, controlling and preventing false import/export certificates regarding tunas and tuna-like species from vessels included in the IUU list....".</li> </ul>



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

20. CITES provides for trade measures at different decision-making levels:

- (a) Trade measures that are legally binding (text of the Convention);
- (b) trade measures decided by the Conference of the Parties (COP);
- (c) trade measures decided by the Standing Committee (SC) on behalf of the Conference of the Parties;
- (d) trade measures recommended by the Animals Committee/Plants Committee;
- (e) trade measures recommended by the Secretariat to the COP and SC; and
- (f) stricter domestic trade measures adopted by the Parties.

1. Provisions of the Convention

<p><b>Article II</b> <b>Fundamental Principles</b></p>	<p>"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.</p> <p>2. Appendix II shall include:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(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.</li> </ul> <p>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.</p> <p>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".</p> <p>→ CITES regulates trade in certain species of wild fauna and flora by defining conditions under which import and export permits may be issued. The conditions are differentiated according to a classification system based on three appendices of protected species.</p>
<p><b>Article III</b> <b>Regulation of Trade in Specimens of Species Included in Appendix I</b></p>	<p>→ Appendix I lists species that are the most endangered among CITES-listed animals and plants (see Article II, paragraph 1 of the Convention). CITES generally prohibits commercial international trade in specimens of wild origin of these species. However, trade may be allowed under exceptional circumstances, e.g. captive breeding, artificial propagation, scientific research, etc. In these cases, trade may be authorized by the granting of both an export permit (or re-export certificate) and an import permit (See Article III of the Convention).</p> <p>→ Trade in Appendix 1 species of wild origin must meet two criteria:</p> <ul style="list-style-type: none"> <li>1. Trade must not be primarily commercial in nature and</li> <li>2. it must not be detrimental to the species. The non-detriment finding is a scientific assessment. Document 11.40 prepared for CITES COP11 provides assistance to Scientific Authorities for making non-detriment findings. It makes reference to Information Document 11.3 for COP11 which contains a checklist for making non-detriment findings for Appendix II species. The checklist was published and distributed by IUCN at COP12. (See also new capacity building material prepared by the CITES Secretariat). Appendix I includes so-called "look-alike species" (see Article II, paragraph 2 of the Convention).</li> </ul>

<p><b>Article IV</b> <b>Regulation of Trade in Specimens of Species Included in Appendix II</b></p>	<p>→ Appendix II lists species that are not necessarily threatened with extinction but that may become so unless trade is closely controlled. It also includes so-called "look-alike species". International trade in specimens of Appendix-II species may be authorized by the granting of an export permit or re-export certificate; no import permit is required by the Convention (some countries adopt stricter measures under Article XIV). Permits or certificates should only be granted if the relevant authorities are satisfied that certain conditions are met, and above all, that trade is legal (i.e. trade is in accordance with the provisions of CITES and the specimen is not obtained in contravention of the laws of the State of origin) and will not be detrimental to the survival of the species in the wild.</p>
<p><b>Article V</b> <b>Regulation of Trade in Specimens of Species Included in Appendix III</b></p>	<p>→ Appendix III is a list of species included at the request of a Party that already regulates trade in the species and that needs the cooperation of other countries to prevent unsustainable or illegal exploitation (see Article II, paragraph 3, of the Convention). International trade in specimens of species listed in this Appendix is allowed only on presentation of the appropriate permits or certificates.</p>
<p><b>Article VI</b> <b>Permits and Certificates</b></p>	<p>→ Provides for permits and certificates to be used for trade under the Convention.</p>
<p><b>Article VII</b> <b>Exemptions and Other Special Provisions Relating to Trade</b></p>	<p>→ Lists the Exemptions and Other Special Provisions Relating to Trade. This Article provides all the exceptions to the regulation of trade in wild fauna and flora species listed in the three appendices.</p>
<p><b>Article VIII</b> <b>Measures to Be Taken by the Parties</b></p>	<p>"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:</p> <ul style="list-style-type: none"> <li>(a) to penalize trade in, or possession of, such specimens, or both; and</li> <li>(b) to provide for the confiscation or return to the State of export of such specimens.</li> </ul> <p>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.</p> <p>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.</p> <p>4. Where a living specimen is confiscated as a result of measures referred to in paragraph 1 of this Article:</p> <ul style="list-style-type: none"> <li>(a) the specimen shall be entrusted to a Management Authority of the State of confiscation;</li> <li>(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</li> <li>(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 sub-paragraph (b) of this paragraph, including the choice of a rescue centre or other place.</li> </ul> <p>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.</p> <p>6. Each Party shall maintain records of trade in specimens of species included in Appendices I, II and III which shall cover:</p> <ul style="list-style-type: none"> <li>(a) the names and addresses of exporters and importers; and</li> </ul>

	<p>(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.</p> <p>7. Each Party shall prepare periodic reports on its implementation of the present Convention and shall transmit to the Secretariat:</p> <p>(a) an annual report containing a summary of the information specified in sub-paragraph (b) of paragraph 6 of this Article; and</p> <p>(b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the present Convention.</p> <p>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".</p>
<p><b>Article IX</b></p> <p><b>Management and Scientific Authorities</b></p>	<p>"1. Each Party shall designate for the purposes of the present Convention:</p> <p>(a) one or more Management Authorities competent to grant permits or certificates on behalf of that Party; and</p> <p>(b) one or more Scientific Authorities.</p> <p>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..."</p>
<p><b>Article XIV</b></p> <p><b>Effect on Domestic Legislation and International Conventions</b></p>	<p>"1. The provisions of the present Convention shall in no way affect the right of Parties to adopt:</p> <p>(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</p> <p>(b) domestic measures restricting or prohibiting trade, taking, possession or transport of species not included in Appendix I, II or III.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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".</p> <p>→ Allows for Parties to take stricter domestic measures. Appendix II does not require an import permit but major importing countries have instituted a system of import permits for trade in certain species issued on the basis of extra conditions and non-CITES related criteria such as tariffs, health, veterinary, phytosanitary and animal welfare provisions. In some instances, they also apply those conditions to species listed in Appendix III.</p>

## 2. Resolutions and Decisions of the Conference of the Parties

21. Examples of Resolutions and Decisions of the Conference of the Parties include:

<b>Resolution Conf. 6.7 Interpretation of Article XIV, paragraph 1 of the Convention</b>	"...a) each Party intending to take stricter domestic measures pursuant to Article XIV, paragraph 1, of the Convention regarding trade in specimens of non-indigenous species included in the Appendices make every reasonable effort to notify the range States of the species concerned at as early a stage as possible prior to the adoption of such measures, and consult with those range States that express a wish to confer on the matter; and b) each Party that has taken such stricter domestic measures for non-indigenous species prior to the adoption of this Resolution consult, if requested, on the appropriateness of such measures with range States of the species concerned".
<b>Resolution Conf. 10.14 (Rev. CoP12) Quotas for leopard hunting trophies and skins for personal use</b>	"...a) in reviewing applications for permits to import whole skins or nearly whole skins of leopard <i>Panthera pardus</i> (including hunting trophies), in accordance with paragraph 3 (a) of Article III of the Convention, the Scientific Authority of the State of import approve permits if it is satisfied that the skins being considered are from one of the following States, which may not export more of the said skins taken from any one calendar year than the number shown under 'Quota' opposite the name of the State:..."
<b>Resolution Conf. 11.6 Trade in vicuña cloth</b>	"...a) Management Authorities authorize the import of vicuña cloth only if the reverse bears the logotype corresponding to the country of origin and the trade mark VICUÑA - COUNTRY OF ORIGIN or if it is cloth containing pre-Convention wool of vicuña; and b) any State member of the Convenio para la Conservación y Manejo de la Vicuña that exports vicuña cloth in accordance with this Resolution inform the Secretariat on an annual basis about the quantity of products exported, the number of animals sheared and the local populations to which they belong, and that the Secretariat submit a report at each regular meeting of the Conference of the Parties..."
<b>Resolution Conf. 11.7 Conservation of and trade in musk deer</b>	"... <i>Urges</i> all Parties, particularly musk deer range and consuming countries and those through which musk deer specimens pass in transit, to take immediate action in order to reduce demonstrably the illegal trade in musk deriving from wild musk deer by: a) introducing innovative enforcement methods in range and consumer States and, as a matter of priority, strengthening enforcement efforts in key border regions; b) pursuing the development of a clear labelling system for products containing musk, and the development and dissemination of forensic methods to detect natural musk in medicinal and other products; c) encouraging all range States and consumer States that are not party to CITES to accede to it at the earliest possible date in order to improve international trade control of raw musk and products containing musk; d) working with musk consumers to develop alternatives for raw musk in order to reduce demand for natural musk, while encouraging the development of safe and effective techniques for collecting musk from live musk deer; and e) developing bilateral and regional agreements for improving musk deer conservation and management, strengthening legislation and strengthening enforcement efforts;..."
<b>Resolution Conf. 12.7 Conservation of and trade in sturgeons and paddlefish</b>	"... <i>Urges</i> the range States of species in the Order Acipenseriformes to: ... b) curtail the illegal fishing of and trade in sturgeon and paddlefish specimens by improving the provisions in and enforcement of existing laws regulating fisheries and export, in close collaboration with the CITES Secretariat, ICPO-Interpol and the World Customs Organization; ... <i>Recommends:</i> a) that range States license legal exporters of specimens of sturgeon and paddlefish species and maintain a register of such persons or companies and provide this register to the Secretariat upon request; b) that importing countries be particularly vigilant in controlling all aspects of the trade in specimens of sturgeon and paddlefish species, including

	<p>the unloading of sturgeon specimens, transit, re-packaging, re-labelling and re-exports;</p> <p>c) that Parties monitor the storage, processing and re-packaging of specimens of sturgeon and paddlefish species in Customs free zones and free ports, and for airline and cruise line catering;</p> <p>d) that Parties ensure that all their relevant agencies cooperate in establishing the necessary administrative, management, scientific and control mechanisms needed to implement the provisions of the Convention with respect to sturgeon and paddlefish species; and</p> <p>e) that Parties consider the harmonization of their national legislation related to personal exemptions for caviar, to allow for the personal effects exemption under Article VII, paragraph 3, and consider limiting this exemption to no more than 250 grams of caviar per person;</p> <p>... Urges Parties to implement without delay the labelling of caviar in accordance with Annexes 1 and 2..."</p>
<p><b>Decision 12.22</b></p> <p><b>Economic incentives and trade policy</b></p>	<p><b>"Directed to the Secretariat</b></p> <p>The Secretariat should, contingent on the availability of external funding and in collaboration with the Parties that wish to participate and with CBD, FAO, Fauna and Flora International, ICTSD, IFC, IUCN, OECD, TRAFFIC, UNEP-ETB, UNCTAD-BIOTRADE, the World Resources Institute, the World Bank and WTO:</p> <p>a) organize a technical workshop on wildlife trade policies and economic incentives applicable to the management of and trade in CITES-listed species, in particular in order to develop a methodology to review those policies and to make targeted recommendations on the use of those incentives;...</p> <p>d) conduct, in cooperation with the Parties, a review of their national policy regarding the use of and trade in CITES-listed species, taking into account economic incentives, production systems, consumption patterns, market access strategies, price structures, certification schemes, CITES-relevant taxation and subsidy schemes, property rights, mechanisms for benefit sharing and reinvestment in conservation, as well as stricter domestic measures that Parties apply or are affected by;</p> <p>e) compile and synthesize the information provided by the Parties, and produce a report analysing the economic impacts of wildlife trade policies in terms of socio-economic and conservation benefits and costs, economic value, levels of legal and illegal trade, improvement of the livelihood of local communities, and the role of the private sector involved in wildlife trade;</p> <p>f) report at the 13th meeting of the Conference of the Parties on the progress made with regard to the implementation of this Decision; and</p> <p>g) prepare and submit a project proposal to the Global Environment Facility, and other funding institutions and development agencies, to seek financial support to prepare the trade-policy reviews in the selected countries, in the context of their national and regional strategies for biodiversity conservation".</p>

### 3. Information on quota systems within CITES

22. Quotas in the context of CITES are simply the maximum number of specimens that may be exported (and harvested in the case of the Acipenseriformes), as determined by a government or the Conference of the Parties to CITES. Quotas, and to a lesser extent other forms of instruments on management of harvests and exports, have been used in CITES to regulate the quantity of specimens of CITES-listed species entering international trade. These quotas have been established through a range of different procedures. CITES export quotas should be, and in many instances are, the result of:

- Effective national conservation management programmes designed to prevent unsustainable harvesting of wild populations; and
- a determination by CITES Scientific Authorities in compliance with Article III, paragraph 2 a), [for Appendix-I species] and Article IV, paragraph 2 a), [for Appendix-II species] of the Convention, that the number of specimens that may be exported as part of a quota will not be detrimental to the survival of that species.

23. CITES quotas have served as a significant conservation measure to curtail unsustainable trade in Appendix-II species (and therefore the likely transfer of such species to Appendix I), but also to help countries regulate trade and maintain market access in situations where international trade provides positive incentives for conservation.

(a) Voluntary national export quotas

24. Many Parties routinely establish annual export quotas on a voluntary basis for one or more Appendix-II and/or –III species as a means of regulating exports in those species (see e.g. Notification to the Parties No. 2001/041). The main purposes of such export quotas appear to be:

- To establish a limit on yearly exports at levels that are sustainable, or within the annual production capacity of ranching or captive breeding operations;
- to announce the intended level of exports to both producers at national level and importers for the purpose of facilitating trade;
- to establish a basis for allocating amounts to be exported per year to individual exporters.

(b) Quotas established by the Conference of the Parties for Appendix-I and –II species

25. At previous meetings, the Conference of the Parties to CITES has established quotas for hunting trophies and other specimens of several species, including Appendix-I species, either through the adoption of resolutions (e.g. Resolution Conf. 10.14 concerning leopard and Resolution Conf.10.15 (Rev.) concerning markhor) or through the amendment of the Appendices to include annotations to the listing of species that refer to quotas for those species or some populations of those species (e.g. Annotation –112 that establishes a quota for the crocodile population of the United Republic of Tanzania or Annotation 613 that establishes a zero quota for some specimens of *Geochelone sulcata*). Such quotas can only be amended if the Conference of the Parties adopts by a two-thirds majority a proposal to amend a listing or a resolution (unless the Conference of the Parties had decided that a quota will only apply for a specific period). Proposals to amend quotas specified in the Appendices need to be submitted in accordance with Resolution Conf. 9.24 and according to the provisions of Article XV.

26. At its 11<sup>th</sup> meeting, the Conference of the Parties adopted Decision 11.58 which, although not specifying quotas, established a procedure for harvest and export quotas for the Acipenseriformes (sturgeons and paddlefish):

"Starting from 1 January 2001, range States should declare coordinated intergovernmental level annual export and catch quotas per basin, or biogeographical region where appropriate, for all commercial trade in specimens of Acipenseriformes. Parties should inform the Secretariat prior to 31 December of the preceding year. Parties that fail to inform the Secretariat will automatically be treated as having a zero quota for the following year."

Quotas established through this process have been published in Notification to the Parties No. 2001/042.

(c) Quotas established through the Review of Significant Trade

27. Export quotas have in many instances been established through or as a result of the Review of Significant Trade pursuant to Resolution Conf. 8.9 (Rev.). In such cases, the Animals Committee, through its review of trade in species selected because of concern over the sustainability of exports, made recommendations to Parties to conduct status assessments of wild populations as the basis for future exports and export quotas. In some cases, projects were established by Parties or by

the Secretariat to conduct such surveys and to recommend sustainable quotas. In other instances, Parties have responded to recommendations by establishing quotas or reducing existing quotas, or the Secretariat was requested to liaise with the countries concerned regarding the establishment of cautious quotas. In the case of some sturgeon species, the Animals Committee has, in addition to recommending the conduct of status assessments, also recommended a variety of other measures such as the establishment of regional conservation strategies and action plans and restocking and monitoring programmes to ensure that future catch and export quotas are sustainable (see e.g. Notification No. 2001/056).

#### D. CONVENTION ON THE CONSERVATION OF ANTARCTIC MARINE LIVING RESOURCES

28. The Convention does not contain trade measures, but trade-related measures have been adopted, for instance, in the following Conservation Measures that are binding for the Contracting Parties:

<p><b>10-02 (2001)</b> <b>Licensing and Inspection Obligations of Contracting Parties with regard to their Flag Vessels Operating in the Convention Area</b></p>	<p>"1. Each Contracting Party shall prohibit fishing by its flag vessels in the Convention Area except pursuant to a licence that the Contracting Party has issued setting forth the specific areas, species and time periods for which such fishing is authorised and all other specific conditions to which the fishing is subject to give effect to CCAMLR conservation measures and requirements under the Convention...".</p> <p>→ Requires a Contracting Party to prohibit its flag vessels from fishing in the Convention Area unless licensed or permitted to do so. The licence should be carried on board and must include conditions of timely notification of port entry and exit and movement between sub-areas or divisions, reporting of catch data and operation of an automated satellite-linked vessel monitoring system (VMS). Any infringement of these conditions discovered upon port arrival, departure or upon inspection in an EEZ are to be investigated and dealt with in accordance with national legislation</p>
<p><b>10-05 (2002)</b> <b>Catch Documentation Scheme for <i>Dissostichus</i> spp. Species toothfish</b></p>	<p>"...1. Each Contracting Party shall take steps to identify the origin of <i>Dissostichus</i> spp. imported into or exported from its territories and to determine whether <i>Dissostichus</i> spp. harvested in the Convention Area that is imported into or exported from its territories was caught in a manner consistent with CCAMLR conservation measures.</p> <p>2. Each Contracting Party shall require that each master or authorised representative of its flag vessels authorised to engage in harvesting of <i>Dissostichus eleginoides</i> and/or <i>Dissostichus mawsoni</i> complete a <i>Dissostichus</i> catch document for the catch landed or transhipped on each occasion that it lands or tranships <i>Dissostichus</i> spp.</p> <p>3. Each Contracting Party shall require that each landing of <i>Dissostichus</i> spp. at its ports and each transshipment of <i>Dissostichus</i> spp. to its vessels be accompanied by a completed <i>Dissostichus</i> catch document.</p> <p>4. Each Contracting Party shall, in accordance with their laws and regulations, require that their flag vessels which intend to harvest <i>Dissostichus</i> spp., including on the high seas outside the Convention Area, are provided with specific authorisation to do so. Each Contracting Party shall provide <i>Dissostichus</i> catch document forms to each of its flag vessels authorised to harvest <i>Dissostichus</i> spp. and only to those vessels.</p> <p>5. A non-Contracting Party seeking to cooperate with CCAMLR by participating in this scheme may issue <i>Dissostichus</i> catch document forms, in accordance with the procedures specified in paragraphs 6 and 7, to any of its flag vessels that intend to harvest <i>Dissostichus</i> spp. ...</p> <p>8. Each Contracting Party shall require that each shipment of <i>Dissostichus</i> spp. imported into or exported from its territory be accompanied by the export-validated <i>Dissostichus</i> catch document(s) and, where appropriate, validated re-export document(s) that account for all the <i>Dissostichus</i> spp. contained in the shipment. ...".</p> <p>→ This Conservation Measure was adopted in November 1999 and came into force on 7 May 2000. This measure establishes Catch Documentation Scheme which tracks the landings and trade flows of toothfish (<i>Dissostichus</i> spp.) caught in the Convention Area and where possible, adjacent waters.</p>

E. MONTREAL PROTOCOL ON SUBSTANCES THAT DEplete THE OZONE LAYER

1. Provisions of the Protocol

<p><b>Article 2</b> <b>Control Measures</b></p>	<p>"...5. Any Party may, for one or more control periods, transfer to another Party any portion of its calculated level of production set out in Articles 2A to 2F, and Article 2H, provided that the total combined calculated levels of production of the Parties concerned for any group of controlled substances do not exceed the production limits set out in those Articles for that group. Such transfer of production shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.</p> <p>5 bis. Any Party not operating under paragraph 1 of Article 5 may, for one or more control periods, transfer to another such Party any portion of its calculated level of consumption set out in Article 2F, provided that the calculated level of consumption of controlled substances in Group I of Annex A of the Party transferring the portion of its calculated level of consumption did not exceed 0.25 kilograms per capita in 1989 and that the total combined calculated levels of consumption of the Parties concerned do not exceed the consumption limits set out in Article 2F. Such transfer of consumption shall be notified to the Secretariat by each of the Parties concerned, stating the terms of such transfer and the period for which it is to apply.</p> <p>6. Any Party not operating under Article 5, that has facilities for the production of Annex A or Annex B controlled substances under construction, or contracted for, prior to 16 September 1987, and provided for in national legislation prior to 1 January 1987, may add the production from such facilities to its 1986 production of such substances for the purposes of determining its calculated level of production for 1986, provided that such facilities are completed by 31 December 1990 and that such production does not raise that Party's annual calculated level of consumption of the controlled substances above 0.5 kilograms per capita.</p> <p>7. Any transfer of production pursuant to paragraph 5 or any addition of production pursuant to paragraph 6 shall be notified to the Secretariat, no later than the time of the transfer or addition.</p> <p>8. (a) Any Parties which are Member States of a regional economic integration organization as defined in Article 1(6) of the Convention may agree that they shall jointly fulfil their obligations respecting consumption under this Article and Articles 2A to 2I provided that their total combined calculated level of consumption does not exceed the levels required by this Article and Articles 2A to 2I.</p> <p>(b) The Parties to any such agreement shall inform the Secretariat of the terms of the agreement before the date of the reduction in consumption with which the agreement is concerned.</p> <p>(c) Such agreement will become operative only if all Member States of the regional economic integration organization and the organization concerned are Parties to the Protocol and have notified the Secretariat of their manner of implementation.</p> <p>9. (a) Based on the assessments made pursuant to Article 6, the Parties may decide whether:</p> <p>(i) Adjustments to the ozone depleting potentials specified in Annex A, Annex B, Annex C and/or Annex E should be made and, if so, what the adjustments should be; and</p> <p>(ii) Further adjustments and reductions of production or consumption of the controlled substances should be undertaken and, if so, what the scope, amount and timing of any such adjustments and reductions should be;</p> <p>(b) Proposals for such adjustments shall be communicated to the Parties by the Secretariat at least six months before the meeting of the Parties at which they are proposed for adoption;</p> <p>(c) In taking such decisions, the Parties shall make every effort to reach agreement by consensus. If all efforts at consensus have been exhausted, and no agreement reached, such decisions shall, as a last resort, be adopted by a two-thirds majority vote of the Parties present and voting</p>
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	<p>representing a majority of the Parties operating under Paragraph 1 of Article 5 present and voting and a majority of the Parties not so operating present and voting;</p> <p>(d) The decisions, which shall be binding on all Parties, shall forthwith be communicated to the Parties by the Depositary. Unless otherwise provided in the decisions, they shall enter into force on the expiry of six months from the date of the circulation of the communication by the Depositary.</p> <p>10. Based on the assessments made pursuant to Article 6 of this Protocol and in accordance with the procedure set out in Article 9 of the Convention, the Parties may decide:</p> <p>(a) whether any substances, and if so which, should be added to or removed from any annex to this Protocol, and</p> <p>(b) the mechanism, scope and timing of the control measures that should apply to those substances;</p> <p>11. Notwithstanding the provisions contained in this Article and Articles 2A to 2I Parties may take more stringent measures than those required by this Article and Articles 2A to 2I".</p>
<b>Articles 2A-2I</b>	<p>→ Articles 2A to 2I provide specific guidance on control measures for CFCs, Halons, other fully halogenated CFCs, Carbon tetrachloride, Methyl chloroform, hydrochlorofluorocarbons, hydrobromofluorocarbons, methyl bromide, and bromochloromethane.</p>
<b>Article 4 Control of trade with non-Parties</b>	<p>"1. As of 1 January 1990, each party shall ban the import of the controlled substances in Annex A from any State not party to this Protocol. ...</p> <p>2. As of 1 January 1993, each Party shall ban the export of any controlled substances in Annex A to any State not party to this Protocol. ...</p> <p>3. By 1 January 1992, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of products containing controlled substances in Annex A. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol. ...</p> <p>4. By 1 January 1994, the Parties shall determine the feasibility of banning or restricting, from States not party to this Protocol, the import of products produced with, but not containing, controlled substances in Annex A. If determined feasible, the Parties shall, following the procedures in Article 10 of the Convention, elaborate in an annex a list of such products. Parties that have not objected to the annex in accordance with those procedures shall ban, within one year of the annex having become effective, the import of those products from any State not party to this Protocol. ...</p> <p>5. Each Party undertakes to the fullest practicable extent to discourage the export to any State not party to this Protocol of technology for producing and for utilizing controlled substances in Annexes A, B, C and E.</p> <p>6. Each Party shall refrain from providing new subsidies, aid, credits, guarantees or insurance programmes for the export to States not party to this Protocol of products, equipment, plants or technology that would facilitate the production of controlled substances in Annexes A, B, C and E.</p> <p>7. Paragraphs 5 and 6 shall not apply to products, equipment, plants or technology that improve the containment, recovery, recycling or destruction of controlled substances, promote the development of alternative substances, or otherwise contribute to the reduction of emissions of controlled substances in Annexes A, B, C and E.</p> <p>8. Notwithstanding the provisions of this Article, imports and exports referred to in paragraphs 1 to 4 ter of this Article may be permitted from, or to, any State not party to this Protocol, if that State is determined, by a meeting of the Parties, to be in full compliance with Article 2, Articles 2A to 2I and this Article, and have submitted data to that effect as specified in Article 7.</p> <p>9. For the purposes of this Article, the term "State not party to this Protocol" shall include, with respect to a particular controlled substance, a State or regional economic integration organization that has not agreed to be bound by the control measures in effect for that substance.</p> <p>10. By 1 January 1996, the Parties shall consider whether to amend this Protocol in order to extend the measures in this Article to trade in controlled substances in Group I of Annex C and in Annex E with States not party to the Protocol".</p> <p>→ <b>Article 4</b> provides for measures that are directed against non-parties. Trade measures under Article 4 are as follows:</p> <p>(a) Control of trade in ODS with non-parties:</p>

	<p>(i) Annex A substances (main CFCs and halons): import from non-parties banned from January 1990, export banned from January 1993;</p> <p>(ii) Annex B substances (carbon tetrachloride, methyl chloroform and other CFCs): import and export banned from August 1993 for non-parties to the London Amendment;</p> <p>(iii) Annex C – Group II (HBFCs): import and export banned from June 1995 for non-parties to the Copenhagen Amendment (1992).</p> <p>(iv) Annex C – Group I (HCFCs): import and export ban with non-parties to the Beijing Amendment (1999) from 1 January 2004. Trade also banned in HCFCs with countries that have not yet ratified the Copenhagen Amendment (1992), which introduced the HCFC phase out.</p> <p>(v) Annex C – Group III (Bromochloromethane): Import and export ban with non-parties to the Beijing Amendment (1999) after February 2003.</p> <p>(b) Control of trade in products containing ODS with non-parties: Import of products (listed in Annex D) containing Annex A substances banned from May 1992;</p> <p>(c) Exports of ODS-technologies: Parties to discourage "to the fullest practicable extent", export of technology for producing of ODS; however, there are exceptions for HCFCs and for equipment or technology to recycle ODS.</p>
<b>Article 4A</b> <b>Control of trade with Parties</b>	<p>"1. Where, after the phase-out date applicable to it for a controlled substance, a Party is unable, despite having taken all practicable steps to comply with its obligation under the Protocol, to cease production of that substance for domestic consumption, other than for uses agreed by the Parties to be essential, it shall ban the export of used, recycled and reclaimed quantities of that substance, other than for the purpose of destruction.</p> <p>2. Paragraph 1 of this Article shall apply without prejudice to the operation of Article 11 of the Convention and the non-compliance procedure developed under Article 8 of the Protocol".</p>
<b>Article 4B</b> <b>Licensing</b>	<p>"1. Each Party shall, by 1 January 2000 or within three months of the date of entry into force of this Article for it, whichever is the later, establish and implement a system for licensing the import and export of new, used, recycled and reclaimed controlled substances in Annexes A, B, C and E.</p> <p>2. Notwithstanding paragraph 1 of this Article, any Party operating under paragraph 1 of Article 5 which decides it is not in a position to establish and implement a system for licensing the import and export of controlled substances in Annexes C and E, may delay taking those actions until 1 January 2005 and 1 January 2002, respectively.</p> <p>3. Each Party shall, within three months of the date of introducing its licensing system, report to the Secretariat on the establishment and operation of that system.</p> <p>4. The Secretariat shall periodically prepare and circulate to all Parties a list of the Parties that have reported to it on their licensing systems and shall forward this information to the Implementation Committee for consideration and appropriate recommendations to the Parties".</p> <p>→ Many parties already have licensing systems in place as a method of complying with the controls of consumption and production of ODS. This licensing requirement is binding since November 1999. As of 23 April 2003, 116 Parties to the Montreal Protocol (out of a total of 184 Parties) had already established licensing systems of ozone-depleting substances. <b>Decision XIV/36</b> of the Fourteenth Meeting of the Parties encouraged all the remaining Parties to the Protocol that had not yet introduced import and export licensing systems to do so as a matter of urgency.</p>

## 2. Decisions of the Meeting of the Parties

29. Meetings of the Parties of the Protocol of Montreal have adopted, for instance, the following decisions:

<p><b>MOP V</b> <b>Bangkok, 1993</b></p>	<p>→ It was decided at MOP V that it was not feasible to ban or restrict trade in products made with, but not containing Annex A substances.</p> <p>→ Parties also decided that products containing Annex B and Annex C, Group II, substances or products made with, but not containing the Annex C, Group II substances will not be listed.</p>
<p><b>MOP IX</b> <b>Montreal, 1997</b></p>	<p>→ MOP IX introduced, through the Montreal Amendment, <i>inter alia</i>, trade controls for methyl bromide (Annex E) with non parties:</p> <ul style="list-style-type: none"> <li>- From November 2000, each Party shall ban the import, and after November 2000, the export, of methyl bromide from any State not Party to the Montreal Amendment.</li> <li>- Parties are to discourage the export to non-parties of technology for producing or for utilising methyl bromide.</li> <li>- Each Party shall refrain from providing any assistance for the export to non-parties of any equipment or technology that would facilitate production of methyl bromide.</li> </ul>
<p><b>MOP XIV</b> <b>Rome, 2002</b></p>	<p>→ MOP XIV adopted two trade-related decisions:</p> <ul style="list-style-type: none"> <li>- <b>Decision XIV/7</b> on monitoring of trade in ozone-depleting substances and prevention of illegal trade in ozone-depleting substances, <i>inter alia</i>, encourages all Parties to exchange information and intensify joint efforts to improve means of identification of ozone-depleting substances (ODS) and prevention of ODS illegal traffic. The decision also invites Parties to report to the Ozone Secretariat fully proved cases of illegal trade in ODS and the Secretariat is requested to collect any information on illegal trade received from the Parties and to disseminate it to all Parties.</li> <li>- <b>Decision XIV/36</b> on the report on licensing system takes note of the status report for parties that have established licensing systems and encourages those Parties that have not yet done so to establish import and export licensing systems of ozone-depleting substances.</li> </ul> <p>→ MOP XIV also adopted <b>Decision XIV/11</b> on the relationship between the Montreal Protocol and the World Trade Organization:</p> <p>"1. To request the Ozone Secretariat to report to the Parties to the Montreal Protocol on any meetings it attends at the World Trade Organization and any substantive contacts with the World Trade Organization Secretariat and its Committee Secretariats;</p> <p>2. To request the Secretariat to monitor developments in the negotiations of the World Trade Organization Committee on Trade and Environment in special session and report to the Parties;</p> <p>3. To further request that the Ozone Secretariat, in coordination with the Multilateral Fund Secretariat, when called upon to provide general advice to the World Trade Organization on trade provisions of the Montreal Protocol and activities of the Multilateral Fund, consult with the Parties of the Montreal Protocol and the Executive Committee before providing this advice. If the Ozone Secretariat is asked for interpretations of the Protocol's trade provisions, the Secretariat should refer the matter to the Parties before providing that advice".</p>

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

1. Provisions of the Convention

<p><b>Article 3</b> <b>National Definitions of Hazardous Wastes</b></p>	<p>"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".</p>
<p><b>Article 4</b> <b>General Obligations</b></p>	<p>"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. ... (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;... 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</p>

	<p>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.</p> <p>9. Parties shall take the appropriate measures to ensure that the transboundary movement of hazardous wastes and other wastes only be allowed if:</p> <ul style="list-style-type: none"> <li>(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</li> <li>(b) The wastes in question are required as a raw material for recycling or recovery industries in the State of import; or</li> <li>(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.</li> </ul> <p>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.</p> <p>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.</p> <p>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...".</p>
<p><b>Article 5</b></p> <p><b>Designation of Competent Authorities and Focal Point</b></p>	<p>"To facilitate the implementation of this Convention, the Parties shall:</p> <p>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...".</p>
<p><b>Article 6</b></p> <p><b>Transboundary Movement between Parties</b></p>	<p>→ Article 6 provides for the prior informed consent procedure or "control system", according to which the transboundary movements of hazardous wastes shall take place.</p> <p>"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.</p> <p>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.</p> <p>3. The State of export shall not allow the generator or exporter to commence the transboundary movement until it has received written confirmation that:</p> <ul style="list-style-type: none"> <li>(a) The notifier has received the written consent of the State of import; and</li> <li>(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.</li> </ul> <p>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</p>

	<p>of its decision pursuant to Article 13. In this latter case, if no response is received by the State of export within 60 days of the receipt of a given notification by the State of transit, the State of export may allow the export to proceed through the State of transit.</p> <p>5. In the case of a transboundary movement of wastes where the wastes are legally defined as or considered to be hazardous wastes only:</p> <p>(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;</p> <p>(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</p> <p>(c) By any State of transit which is a Party, the provisions of paragraph 4 shall apply to such State.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p> <p>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".</p>
<b>Article 8</b> <b>Duty to Re-import</b>	<p>"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"</p> <p>→ There is a duty to re-import if waste cannot be disposed of in an environmentally sound manner.</p>
<b>Article 9</b> <b>Illegal Traffic</b>	<p>"1. For the purpose of this Convention, any transboundary movement of hazardous wastes or other wastes:</p> <p>(a) without notification pursuant to the provisions of this Convention to all States concerned; or</p> <p>(b) without the consent pursuant to the provisions of this Convention of a State concerned; or</p> <p>(c) with consent obtained from States concerned through falsification, misrepresentation or fraud; or</p> <p>(d) that does not conform in a material way with the documents; or</p> <p>(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,</p>

	<p>shall be deemed to be illegal traffic.</p> <p>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:</p> <p>(a) taken back by the exporter or the generator or, if necessary, by itself into the State of export, or, if impracticable,</p> <p>(b) are otherwise disposed of in accordance with the provisions of this Convention,</p> <p>within 30 days from the time the State of export has been informed about the illegal traffic or such other period of time as States concerned may agree. To this end the Parties concerned shall not oppose, hinder or prevent the return of those wastes to the State of export.</p> <p>3. In the case of a transboundary movement of hazardous wastes or other wastes deemed to be illegal traffic as the result of conduct on the part of the importer or disposer, the State of import shall ensure that the wastes in question are disposed of in an environmentally sound manner by the importer or disposer or, if necessary, by itself within 30 days from the time the illegal traffic has come to the attention of the State of import or such other period of time as the States concerned may agree. To this end, the Parties concerned shall co-operate, as necessary, in the disposal of the wastes in an environmentally sound manner.</p> <p>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.</p> <p>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".</p>
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## 2. Decisions of the Conference of Parties

30. At meetings of the Conference of the Parties of the Basel Convention the following decisions have, for instance, been adopted:

<b>COP2 Geneva, 1994</b>	→ At COP2 parties agreed to a ban on the export of hazardous wastes from OECD to non-OECD countries intended for final disposal, recovery, and recycling (Decision II/12). Because the decision was not incorporated in the text of the Convention itself, the question as to whether it was legally binding or not arose.
<b>COP3 Geneva, 1995</b>	→ At COP3, it was proposed that the Ban be formally incorporated in the Basel Convention as an amendment (Decision III/1). It bans hazardous wastes exports for final disposal and recycling from Annex VII countries to non-Annex VII countries. The Ban Amendment has to be ratified by three-fourths of the Parties present at the time of the adoption of the Amendment in order to enter into force.
<b>COP 4 Kuching, 1998</b>	<p>→ At COP 4, there was a discussion concerning other countries which wanted to join Annex VII. These countries are Monaco, Slovenia and Israel. However, it was decided to wait and see how the ban was functioning and to leave Annex VII unchanged until its entry into force. A decision could then be made as to whether to close Annex VII or to have open criteria. This issue was raised again at COP 5.</p> <p>→ Annexes VIII and IX of the Convention, adopted at COP 4, clarify what is and what is not considered to be hazardous waste. Non-hazardous material is listed in Annex IX (list B) wastes. Many of the recyclable materials such as copper, zinc (and their products) and other precious metals are in Annex IX and are not considered hazardous unless they have been contaminated. Further clarification is needed for some wastes, such as lead acid and zinc ashes (as these would be hazardous waste under Basel).</p>

<b>COP 5 Basel, 1999</b>	→ At COP 5, the <b>Basel Declaration on Environmentally Sound Management</b> was adopted. This Declaration outlines the activities to be undertaken to achieve the objectives of the practical implementation of environmentally sound management: prevention, minimization, recycling, recovery and disposal of wastes subject to the Convention.
<b>COP 6 Geneva, 2002</b>	→ At COP6, <b>Decision VI/30</b> was adopted by the Conference of the Parties on the Cooperation with the World Trade Organization: "The Conference of the Parties,... 1. Requests the secretariat of the Basel Convention to: (a) Seek observer status in the Committee on Trade and Environment meeting in Special Session, and to advise the Parties to the Basel Convention when the request has been submitted to and granted by WTO; (b) Report to the Parties to the Basel Convention on any meetings it attends at WTO and any substantive contacts with the WTO Secretariat and its committee secretariats; (c) Monitor developments in the WTO Committee on Trade and Environment meeting in Special Session and report to the Parties thereon; 2. Further requests the secretariat of the Basel Convention, when called upon to provide general information to WTO on trade provisions of the Basel Convention, to consult with the Parties to the Basel Convention before providing that information. If the Secretariat of the Basel Convention is requested to provide interpretation on the trade provisions of the Convention, it will refer such requests to the Conference of the Parties."

## G. CONVENTION ON BIOLOGICAL DIVERSITY

### 1. Provisions of the Convention

31. The text of the Convention does not explicitly refer to trade measures, nor does the Convention generally prescribe specific measures. The provisions of the Convention, with a few exceptions, set goals and establish general principles. The specific measures required to achieve these goals and operationalize these principles are largely the prerogative of the Parties. However, the Convention contains a number of provisions that are generally understood to require measures by Parties which may have consequences for trade. In addition, some of its provisions have inter-linkages with some international trade agreements.

<b>Article 7(c) Identification and Monitoring</b>	"Each Contracting Party shall, as far as possible and as appropriate, in particular for the purposes of Articles 8 to 10: (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".
<b>Article 8 In-situ Conservation</b>	"Each Contracting Party shall, as far as possible and as appropriate: ... (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; ... (h) Prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species;... (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;...".



<b>Article 10</b> <b>Sustainable Use of</b> <b>Components of Biological</b> <b>Diversity</b>	"Each Contracting Party shall, as far as possible and as appropriate: ...(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; ...".
<b>Article 11</b> <b>Incentive Measures</b>	"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".
<b>Article 14</b> <b>Impact Assessment and</b> <b>Minimizing Adverse</b> <b>Impacts</b>	<p>"1. Each Contracting Party, as far as possible and as appropriate, shall:</p> <p>(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;</p> <p>(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;</p> <p>(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;</p> <p>(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</p> <p>(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.</p> <p>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".</p>
<b>Article 15</b> <b>Access to Genetic</b> <b>Resources</b>	<p>"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.</p> <p>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.</p> <p>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.</p> <p>4. Access, where granted, shall be on mutually agreed terms and subject to the provisions of this Article.</p> <p>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.</p> <p>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.</p> <p>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</p>

	providing such resources. Such sharing shall be upon mutually agreed terms".
<b>Article 16</b> <b>Access to and Transfer of technology</b>	<p>"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.</p> <p>2. Access to and transfer of technology referred to in paragraph 1 above to developing countries shall be provided and/or facilitated under fair and most favourable terms, including on concessional and preferential terms where mutually agreed, and, where necessary, in accordance with the financial mechanism established by Articles 20 and 21. In the case of technology subject to patents and other intellectual property rights, such access and transfer shall be provided on terms which recognize and are consistent with the adequate and effective protection of intellectual property rights. The application of this paragraph shall be consistent with paragraphs 3, 4 and 5 below.</p> <p>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.</p> <p>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.</p> <p>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".</p>
<b>Article 19</b> <b>Handling of Biotechnology and Distribution of its Benefits</b>	<p>"1. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.</p> <p>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.</p> <p>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.</p> <p>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".</p>
<b>Article 22</b> <b>Relationship with Other International Conventions</b>	<p>"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.</p> <p>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".</p>

## 2. Decisions of the Conference of the Parties

32. Conferences of the Parties of the CBD have adopted, for instance, the following decisions:

<p><b>Decision III/18</b> <b>Incentive measures</b></p>	<p>"...2. Resolves that incentive measures shall be included as appropriate on the agenda of the Conference of the Parties and be integrated into the sectoral and thematic items under the medium-term programme of work of the Conference of the Parties;</p> <p>3. Encourages Parties to review their existing legislation and economic policies, to identify and promote incentive for the conservation and sustainable use of components of biological diversity, stressing the importance of taking appropriate action on incentives that threaten biological diversity;</p> <p>4. Encourages Parties to ensure adequate incorporation of the market and non-market values of biological diversity into plans, policies and programmes and other relevant areas, inter alia, national accounting systems and investment strategies;</p> <p>5. Encourages Parties to develop training and capacity-building programmes to implement incentive measures and promote private-sector initiatives in this regard;</p> <p>6. Encourages Parties to incorporate biological diversity considerations into impact assessments, consistent with Article 14 of the Convention, as a step in the design and implementation of incentive measures;..."</p>
<p><b>Decision IV/10</b> <b>Measures for implementing the Convention on Biological Diversity</b></p>	<p><b>"...A. Incentive measures: consideration of measures for the implementation of Article 11</b></p> <p>The Conference of the Parties, ...</p> <p>1. Encourages Parties, Governments and relevant organizations:</p> <p>(a) To promote the design and implementation of appropriate incentive measures, taking fully into account the ecosystem approach and the various conditions of the Parties and employing the precautionary approach of Principle 15 of the Rio Declaration on Environment and Development, in order to facilitate achieving the implementation of the objectives of the Convention and to integrate biological diversity concerns in sectoral policies, instruments and projects;</p> <p>(b) As a first step towards formulating incentive measures, to identify threats to biological diversity and underlying causes of reduction or loss of biological diversity and relevant actors;</p> <p>(c) To take into account economic, social, cultural and ethical valuation in the development of relevant incentive measures;</p> <p>(d) To develop supportive legal and policy frameworks for the design and implementation of incentive measures;</p> <p>(e) To carry out participatory consultative processes at the relevant level to define the clear and target-oriented incentive measures to address the identified underlying causes of biodiversity reduction or loss and unsustainable use;</p> <p>(f) To identify perverse incentives and consider the removal or mitigation of their negative effects on biological diversity in order to encourage positive, rather than negative, effects on the conservation and sustainable use of biological diversity;</p> <p>(g) To prepare case-studies on incentive measures in the thematic focus of the fifth meeting of the Conference of the Parties, utilizing the indicative outline prepared by the Executive Secretary as far as possible, and to make them available to the Executive Secretary.</p> <p>(h) To undertake value addition and enhancement of naturally occurring genetic resources, based on the participatory approach, where appropriate, to work as incentives for their conservation and sustainable use;..."</p>
<p><b>Decision IV/15</b> <b>The relationship of the Convention on Biological Diversity with the Commission on</b></p>	<p>"...7. Takes note of the Executive Secretary's observer status in the Committee on Trade and Environment of the World Trade Organization for the purpose of representing the Convention on Biological Diversity in meetings whose agendas have relevance to the Convention;</p> <p>8. Also notes that some Parties to the Convention on Biological Diversity, particularly many developing countries, are not members of the World Trade Organization, and are therefore limited in their abilities to present their concerns regarding biological diversity at the World Trade Organization;</p>

<p><b>Sustainable Development and biodiversity-related conventions, other international agreements, institutions and processes of relevance</b></p>	<p>9. Stresses the need to ensure consistency in implementing the Convention on Biological Diversity and the World Trade Organization agreements, including the Agreement on Trade-Related Aspects of Intellectual Property Rights, with a view to promoting increased mutual supportiveness and integration of biological diversity concerns and the protection of intellectual property rights, and invites the World Trade Organization to consider how to achieve these objectives in the light of Article 16, paragraph 5, of the Convention, taking into account the planned review of Article 27, paragraph 3 (b), of the Agreement on Trade-Related Aspects of Intellectual Property Rights in 1999;</p> <p>10. Emphasizes that further work is required to help develop a common appreciation of the relationship between intellectual property rights and the relevant provisions of the Agreement on Trade-Related Aspects of Intellectual Property Rights and the Convention on Biological Diversity, in particular on issues relating to technology transfer and conservation and sustainable use of biological diversity and the fair and equitable sharing of benefits arising out of the use of genetic resources, including the protection of knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity...".</p>
<p><b>Decision V/16 Article 8(j) and related provisions</b></p>	<p>"...14. Recognizes the potential importance of sui generis and other appropriate systems for the protection of traditional knowledge of indigenous and local communities and the equitable sharing of benefits arising from its use to meet the provisions of the Convention on Biological Diversity, taking into account the ongoing work on Article 8(j) and related provisions, and transmits its findings to the World Trade Organization and the World Intellectual Property Organization, as suggested in paragraph 6 (b) of recommendation 3 of the Inter-Sessional Meeting on the Operations of the Convention (UNEP/CBD/COP/5/4, annex);..."</p>
<p><b>Decision V/26 Access to genetic resources</b></p>	<p>"...2. Invites the World Trade Organization to acknowledge relevant provisions of the Convention and to take into account the fact that the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention on Biological Diversity are interrelated and to further explore this interrelationship;</p> <p>3. Requests the Executive Secretary to transmit the present decision to the secretariats of the World Trade Organization and the World Intellectual Property Organization, for use by appropriate bodies of these organizations, and to endeavour to undertake further cooperation and consultation with these organizations;</p> <p>4. Renews its request to the Executive Secretary of the Convention to apply for observer status on the Council for the Trade-related Aspects of Intellectual Property Rights, and requests him to report back to the Conference of the Parties on his efforts..."</p>
<p><b>Decision VI/10 Article 8(j) and related provisions</b></p>	<p>"...35. Also requests the Executive Secretary to continue to compile information provided by Parties and Governments relating to existing national legislation and other measures for the protection of traditional knowledge, innovations and practices;</p> <p>36. Invites the World Trade Organization and the World Intellectual Property Organization to make available to the Executive Secretary information referred to in paragraph 35 above provided through their respective notification systems; ...</p> <p>39. Encourages Parties and Governments, where they have not already done so, to take measures to establish or improve operational links between their national governmental intellectual-property bodies, national focal points of the Convention on Biological Diversity, and indigenous and local communities and their organizations in order to better coordinate and institute measures to protect their traditional knowledge, innovations and practices relevant to the conservation and sustainable use of biological diversity, particularly with regard to traditional-knowledge documentation initiatives and community-based registries of traditional knowledge; ...</p> <p>46. Invites Parties and Governments to encourage the disclosure of the origin of relevant traditional knowledge, innovations and practices of indigenous and local communities relevant to the conservation and sustainable use of biological diversity in applications for intellectual property rights, where the subject matter of the application concerns or makes use of such knowledge in its development;</p> <p>47. Urges Parties and Governments to examine, as appropriate, relevant provisions of the Convention on Biological Diversity with respect to prior informed consent and mutually agreed terms where traditional knowledge is used in its original form or in the development of new products and/or new applications;</p> <p>48. Invites Parties and Governments, with the assistance of the World Intellectual Property Organization, to take into account traditional knowledge</p>

	in the examination of novelty and inventive step in patent applications; ...".
<b>Decision VI/15</b> <b>Incentive measures</b> <b>Annex I</b> <b>Proposals for the Design and Implementation of Incentive Measures</b>	<p>"...2. The following elements should be taken into consideration in the design and implementation of incentive measures for the conservation and sustainable use of biological diversity: ...</p> <p>3. Goals of the incentive measures. An incentive measure should have a defined purpose. Consistent with decision V/15, the purpose of incentive measures is to change institutional and individual behaviour in order to achieve in whole or in part the following objectives of the Convention on Biological Diversity: the conservation of biodiversity, the sustainable use of the components of biodiversity and the fair and equitable sharing of benefits arising out of the utilization of genetic resources. ...</p> <p>36. The following are guidelines for selecting appropriate and complementary measures:</p> <ul style="list-style-type: none"> <li>a) Any decision-making process for selecting appropriate and complementary measures should take into account the specific circumstances of the country involved;</li> <li>b) It is important to consider the context in which the incentive measure is being introduced to assist final decision-making on a particular measure or measures;</li> <li>c) A key consideration in the design of an incentive measure is the recognition that a single measure will often not suffice to address the complexities involved in decisions on biodiversity conservation or sustainable use, and that a mix of measures may be needed;</li> <li>d) Equity considerations, such as poverty alleviation, should be given a prominent role in the design and selection of appropriate incentive measures;</li> <li>e) The implementation of incentive measures should not result in a significant increase in the cost of living and/or increase in government revenue;</li> <li>f) The size of the country's economy is an important factor in the selection of financial incentive measures;</li> <li>g) Well defined land and property rights are an important factor in the design and implementation of incentive measures in the conservation of biological diversity and the promotion of sustainable use;</li> <li>h) Positive incentives can influence decision-making by recognizing and rewarding activities that are carried out for conservation and sustainable use purposes;</li> <li>i) The removal of perverse incentives eases pressure on the environment. The identification of both internal and external perverse incentives and other threats to biodiversity conservation and to the promotion of sustainable use, is essential to the selection and design of incentive measures. The removal of perverse incentives may improve economic efficiency and reduce fiscal expenditures;</li> <li>j) Disincentives continue to be an important tool for ensuring the conservation and sustainable use of biological diversity and can be used in combination with positive incentives..."</li> </ul>
<b>Decision VI/20</b> <b>Cooperation with other organizations, initiatives and conventions</b>	<p><b>Cooperation with the World Trade Organization</b></p> <p>"Reaffirms the need to promoting increased mutual supportiveness of trade and environment agreements in achieving sustainable development, as stressed in decision IV/15 of the fourth meeting of the Conference of the Parties, and reiterated in the Cartagena Protocol on Biosafety and the Doha Ministerial Declaration of the World Trade Organization adopted on 14 November 2001;</p> <p>Notes the Doha Ministerial Declaration, which welcomes a continued cooperation by the World Trade Organization with United Nations Environment Programme and other intergovernmental environmental organizations, and encourages efforts to promote cooperation between the World Trade Organization and relevant international environmental and developmental organizations;</p> <p>Recognizes the importance of cooperation with the World Trade Organization with regard to matters that are relevant to the Cartagena Protocol on Biosafety and in preparing for the implementation of the Protocol, emphasizes the need to ensure mutual supportiveness with the relevant agreements under the World Trade Organization, in particular with the Agreement on Sanitary and Phytosanitary Measures and the Agreement on Technical Barriers to Trade, with a view to achieving sustainable development;</p> <p>Welcomes the practice established between the Executive Secretary and the World Trade Organization to exchange information regarding developments under the Intergovernmental Committee for the Cartagena Protocol on Biosafety;</p>

	Requests the Executive Secretary to apply to the World Trade Organization for an observer status and to represent the Convention on Biological Diversity in the meetings of the Committee on Sanitary and Phytosanitary Measures and the Committee on Technical Barriers to Trade; Further requests the Executive Secretary to renew the application to the World Trade Organization for observer status in the Council for the Agreement on Trade-related Aspects of Intellectual Property Rights".
<b>Decision VI/23</b> <b>Alien species that threaten ecosystems, habitats or species:</b> <b>Annex: Guiding Principles for the Prevention, Introduction and Mitigation of Impacts of Alien Species that Threaten Ecosystems, Habitats or Species</b>	<p><b>"... Guiding principle 1: Precautionary approach</b></p> <p>Given the unpredictability of the pathways and impacts on biological diversity of invasive alien species, efforts to identify and prevent unintentional introductions as well as decisions concerning intentional introductions should be based on the precautionary approach, in particular with reference to risk analysis, in accordance with the guiding principles below. The precautionary approach is that set forth in principle 15 of the 1992 Rio Declaration on Environment and Development and in the preamble of the Convention on Biological Diversity.</p> <p>The precautionary approach should also be applied when considering eradication, containment and control measures in relation to alien species that have become established. Lack of scientific certainty about the various implications of an invasion should not be used as a reason for postponing or failing to take appropriate eradication, containment and control measures.</p> <p><b>Guiding principle 7: Border control and quarantine measures</b></p> <p>"1. States should implement border controls and quarantine measures for alien species that are or could become invasive to ensure that:</p> <ol style="list-style-type: none"> <li>Intentional introductions of alien species are subject to appropriate authorization (principle 10);</li> <li>Unintentional or unauthorized introductions of alien species are minimized.</li> </ol> <p>2. States should consider putting in place appropriate measures to control introductions of invasive alien species within the State according to national legislation and policies where they exist.</p> <p>3. These measures should be based on a risk analysis of the threats posed by alien species and their potential pathways of entry. Existing appropriate governmental agencies or authorities should be strengthened and broadened as necessary, and staff should be properly trained to implement these measures. Early detection systems and regional and international coordination are essential to prevention..."</p>
<b>Decision VI/24</b> <b>Access and benefit-sharing as related to genetic resources</b>	<p><b>"A. Bonn Guidelines on Access to Genetic Resources and Fair and Equitable Sharing of the Benefits Arising out of their Utilization</b></p> <p><b>...I. GENERAL PROVISIONS</b></p> <p>1. These Guidelines may serve as inputs when developing and drafting legislative, administrative or policy measures on access and benefit-sharing with particular reference to provisions under Articles 8(j), 10 (c), 15, 16 and 19; and contracts and other arrangements under mutually agreed terms for access and benefit-sharing. ...</p> <p>9. All genetic resources and associated traditional knowledge, innovations and practices covered by the Convention on Biological Diversity and benefits arising from the commercial and other utilization of such resources should be covered by the guidelines, with the exclusion of human genetic resources. ...</p> <p>11. The objectives of the Guidelines are the following:</p> <ol style="list-style-type: none"> <li>To contribute to the conservation and sustainable use of biological diversity;</li> <li>To provide Parties and stakeholders with a transparent framework to facilitate access to genetic resources and ensure fair and equitable sharing of benefits;</li> <li>To provide guidance to Parties in the development of access and benefit-sharing regimes;</li> <li>To inform the practices and approaches of stakeholders (users and providers) in access and benefit-sharing arrangements;</li> <li>To provide capacity-building to guarantee the effective negotiation and implementation of access and benefit-sharing arrangements, especially to developing countries, in particular least developed countries and small island developing States among them;</li> <li>To promote awareness on implementation of relevant provisions of the Convention on Biological Diversity;</li> <li>To promote the adequate and effective transfer of appropriate technology to providing Parties, especially developing countries, in particular least</li> </ol>

- developed countries and small island developing States among them, stakeholders and indigenous and local communities;
- (h) To promote the provision of necessary financial resources to providing countries that are developing countries, in particular least developed countries and small island developing States among them, or countries with economies in transition with a view to contributing to the achievement of the objectives mentioned above;
  - (i) To strengthen the clearing-house mechanism as a mechanism for cooperation among Parties in access and benefit-sharing;
  - (j) To contribute to the development by Parties of mechanisms and access and benefit-sharing regimes that recognize the protection of traditional knowledge, innovations and practices of indigenous and local communities, in accordance with domestic laws and relevant international instruments;
  - (k) To contribute to poverty alleviation and be supportive to the realization of human food security, health and cultural integrity, especially in developing countries, in particular least developed countries and small island developing States among them;
  - (l) Taxonomic research, as specified in the Global Taxonomy Initiative, should not be prevented, and providers should facilitate acquisition of material for systematic use and users should make available all information associated with the specimens thus obtained.
12. The Guidelines are intended to assist Parties in developing an overall access and benefit-sharing strategy, which may be part of their national biodiversity strategy and action plan, and in identifying the steps involved in the process of obtaining access to genetic resources and sharing benefits.

## **II. ROLES AND RESPONSIBILITIES IN ACCESS AND BENEFIT-SHARING PURSUANT TO ARTICLE 15 OF THE CONVENTION ON BIOLOGICAL DIVERSITY**

13. Each Party should designate one national focal point for access and benefit-sharing and make such information available through the clearing-house mechanism. The national focal point should inform applicants for access to genetic resources on procedures for acquiring prior informed consent and mutually agreed terms, including benefit-sharing, and on competent national authorities, relevant indigenous and local communities and relevant stakeholders, through the clearing-house mechanism. ...

16. Recognizing that Parties and stakeholders may be both users and providers, the following balanced list of roles and responsibilities provides key elements to be acted upon: ...

- (b) In the implementation of mutually agreed terms, users should: Seek informed consent prior to access to genetic resources, in conformity with Article 15, paragraph 5, of the Convention; ...
- (d) Contracting Parties with users of genetic resources under their jurisdiction should take appropriate legal, administrative, or policy measures, as appropriate, to support compliance with prior informed consent of the Contracting Party providing such resources and mutually agreed terms on which access was granted. These countries could consider, inter alia, the following measures:
  - (i) Mechanisms to provide information to potential users on their obligations regarding access to genetic resources;
  - (ii) Measures to encourage the disclosure of the country of origin of the genetic resources and of the origin of traditional knowledge, innovations and practices of indigenous and local communities in applications for intellectual property rights;
  - (iii) Measures aimed at preventing the use of genetic resources obtained without the prior informed consent of the Contracting Party providing such resources;
  - (iv) Cooperation between Contracting Parties to address alleged infringements of access and benefit-sharing agreements;
  - (v) Voluntary certification schemes for institutions abiding by rules on access and benefit-sharing;
  - (vi) Measures discouraging unfair trade practices;
  - (vii) Other measures that encourage users to comply with provisions under subparagraph 16 (b) above. ...

## **IV. STEPS IN THE ACCESS AND BENEFIT-SHARING PROCESS**

...24. As provided for in Article 15 of the Convention on Biological Diversity, which recognizes the sovereign rights of States over their natural resources, each Contracting Party to the Convention shall endeavour to create conditions to facilitate access to genetic resources for environmentally

sound uses by other Contracting Parties and fair and equitable sharing of benefits arising from such uses. In accordance with Article 15, paragraph 5, of the Convention on Biological Diversity, access to genetic resources shall be subject to prior informed consent of the contracting Party providing such resources, unless otherwise determined by that Party.

25. Against this background, the Guidelines are intended to assist Parties in the establishment of a system of prior informed consent, in accordance with Article 15, paragraph 5, of the Convention....

### **C. Role of intellectual property rights in the implementation of access and benefit-sharing arrangements**

The Conference of the Parties

1. Invites Parties and Governments to encourage the disclosure of the country of origin of genetic resources in applications for intellectual property rights, where the subject matter of the application concerns or makes use of genetic resources in its development, as a possible contribution to tracking compliance with prior informed consent and the mutually agreed terms on which access to those resources was granted;

2. Also invites Parties and Governments to encourage the disclosure of the origin of relevant traditional knowledge, innovations and practices of indigenous and local communities relevant for the conservation and sustainable use of biological diversity in applications for intellectual property rights, where the subject matter of the application concerns or makes use of such knowledge in its development;

3. Requests the Executive Secretary, with the help of other international and intergovernmental organizations such as the World Intellectual Property Organization and through the Ad Hoc Open-ended Inter-Sessional Working Group on Article 8(j) and Related Provisions of the Convention, where appropriate, to undertake further information gathering and analysis with regard to:

- a) Impact of intellectual property regimes on access to and use of genetic resources and scientific research;
- b) Role of customary laws and practices in relation to the protection of genetic resources and traditional knowledge, innovations and practices, and their relationship with intellectual property rights;
- c) Consistency and applicability of requirements for disclosure of country of origin and prior informed consent in the context of international legal obligations;
- d) Efficacy of country of origin and prior informed consent disclosures in assisting the examination of intellectual property rights applications and the re-examination of intellectual property rights granted;
- e) Efficacy of country of origin and prior informed consent disclosures in monitoring compliance with access provisions;
- f) Feasibility of an internationally recognized certificate of origin system as evidence of prior informed consent and mutually agreed terms; and
- g) Role of oral evidence of prior art in the examination, granting and maintenance of intellectual property rights;

4. Invites the World Intellectual Property Organization to prepare a technical study, and to report its findings to the Conference of the Parties at its seventh meeting, on methods consistent with obligations in treaties administered by the World Intellectual Property Organization for requiring the disclosure within patent applications of, inter alia:

- a) Genetic resources utilized in the development of the claimed inventions;
- b) The country of origin of genetic resources utilized in the claimed inventions;
- c) Associated traditional knowledge, innovations and practices utilized in the development of the claimed inventions;
- d) The source of associated traditional knowledge, innovations and practices; and
- e) Evidence of prior informed consent; ...

8. Invites other relevant international organizations (such as the Food and Agriculture Organization of the United Nations, the United Nations Conference on Trade and Development, the World Intellectual Property Organization, the World Trade Organization, and the United Nations Commission on Human Rights), as well as regional organizations, Parties and Governments to contribute to the further study and analysis of the issues specified in paragraphs 3 and 4;

### **D. Other issues relating to access and benefit-sharing**



	<p>The Conference of Parties,  <i>The relationship between the Agreement on Trade-related Aspects of Intellectual Property Rights of the World Trade Organization and the Convention on Biological Diversity</i>          Noting that the provisions of the Agreement on Trade-related Aspects of Intellectual Property Rights of the World Trade Organization and the Convention on Biological Diversity are interrelated,          Noting also that the relationship between the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention on Biological Diversity is being examined by the Council for Trade-related Aspects of Intellectual Property Rights, in conformity with Article 19 of the Doha WTO Ministerial Declaration, adopted in November 2001,          Noting further that the Convention Secretariat has still not been granted observer status on the Council for Trade-related Aspects of Intellectual Property Rights, notwithstanding the official request of the Executive Secretary to the Director-General of the World Trade Organization in a letter dated 4 July 2000,</p> <ol style="list-style-type: none"> <li>1. Requests the Executive Secretary of the Convention to renew the application for observer status on the Council for Trade-related Aspects of Intellectual Property Rights, and to report back to the Conference of Parties on his efforts;</li> <li>2. Requests the Executive Secretary to follow discussions and developments in the Committee on Trade and Environment of the World Trade Organization and the Council for Trade-related Aspects of Intellectual Property Rights regarding the relationship between the Agreement on Trade-related Aspects of Intellectual Property Rights and the Convention;  <i>Cooperation with other relevant intergovernmental organizations</i></li> <li>3. Acknowledges relevant work being carried out by other intergovernmental organisations, such as the World Intellectual Property Organization, the World Trade Organization, the Union for the Protection of New Varieties of Plants, the United Nations Conference on Trade and Development, and the Food and Agriculture Organization of the United Nations, on issues related to access to genetic resources and benefit-sharing;</li> <li>4. Requests the Executive Secretary to further collaborate with the above relevant organisations to ensure mutual supportiveness and avoid duplication of work; ...".</li> </ol>
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## H. CARTAGENA PROTOCOL ON BIOSAFETY

<b>Preamble</b>	<p>"...Recognizing that trade and environment agreements should be mutually supportive with a view to achieving sustainable development,  <i>Emphasizing</i> that this Protocol shall not be interpreted as implying a change in the rights and obligations of a Party under any existing international agreements,  <i>Understanding</i> that the above recital is not intended to subordinate this Protocol to other international agreements".</p>
<b>Article 2:4 General Provisions</b>	<p>"4. Nothing in this Protocol shall be interpreted as restricting the right of a Party to take action that is more protective of the conservation and sustainable use of biological diversity than that called for in this Protocol, provided that such action is consistent with the objective and the provisions of this Protocol and is in accordance with that Party's other obligations under international law".</p>
<b>Article 7 Application of the Advance Informed Agreement Procedure</b>	<p>"1. Subject to Articles 5 and 6, the advance informed agreement procedure in Articles 8 to 10 and 12 shall apply prior to the first intentional transboundary movement of living modified organisms for intentional introduction into the environment of the Party of import.          2. "Intentional introduction into the environment" in paragraph 1 above, does not refer to living modified organisms intended for direct use as food or feed, or for processing.          3. Article 11 shall apply prior to the first transboundary movement of living modified organisms intended for direct use as food or feed, or for processing.          4. The advance informed agreement procedure shall not apply to the intentional transboundary movement of living modified organisms identified in</p>

	<p>a decision of the Conference of the Parties serving as the meeting of the Parties to this Protocol as being not likely to have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health".</p> <p>→ Lays out the Advanced Informed Agreement (AIA) procedure which shall apply for the first international transboundary movement of a LMO for intentional introduction into the environment of the Party of import. The AIA procedure is outlined in Articles 8 to 10 and 12. The procedure in Article 11 shall apply prior to the first transboundary movement of LMOs intended for direct use as food or feed, or for processing. The AIA procedure shall not apply to LMOs in transit or for contained use.</p>
<b>Article 8 Notification</b>	<p>"1. The Party of export shall notify, or require the exporter to ensure notification to, in writing, the competent national authority of the Party of import prior to the intentional transboundary movement of a living modified organism that falls within the scope of Article 7, paragraph 1. The notification shall contain, at a minimum, the information specified in Annex I.</p> <p>2. The Party of export shall ensure that there is a legal requirement for the accuracy of information provided by the exporter".</p>
<b>Article 9 Acknowledgement of Receipt of Notification</b>	<p>"1. The Party of import shall acknowledge receipt of the notification, in writing, to the notifier within ninety days of its receipt.</p> <p>2. The acknowledgement shall state:</p> <ul style="list-style-type: none"> <li>(a) The date of receipt of the notification;</li> <li>(b) Whether the notification, prima facie, contains the information referred to in Article 8;</li> <li>(c) Whether to proceed according to the domestic regulatory framework of the Party of import or according to the procedure specified in Article 10.</li> </ul> <p>3. The domestic regulatory framework referred to in paragraph 2 (c) above, shall be consistent with this Protocol.</p> <p>4. A failure by the Party of import to acknowledge receipt of a notification shall not imply its consent to an intentional transboundary movement".</p>
<b>Article 10 Decision Procedure</b>	<p>"1. Decisions taken by the Party of import shall be in accordance with Article 15.</p> <p>2. The Party of import shall, within the period of time referred to in Article 9, inform the notifier, in writing, whether the intentional transboundary movement may proceed:</p> <ul style="list-style-type: none"> <li>(a) Only after the Party of import has given its written consent; or</li> <li>(b) After no less than ninety days without a subsequent written consent.</li> </ul> <p>3. Within two hundred and seventy days of the date of receipt of notification, the Party of import shall communicate, in writing, to the notifier and to the Biosafety Clearing-House the decision referred to in paragraph 2 (a) above:</p> <ul style="list-style-type: none"> <li>(a) Approving the import, with or without conditions, including how the decision will apply to subsequent imports of the same living modified organism;</li> <li>(b) Prohibiting the import;</li> <li>(c) Requesting additional relevant information in accordance with its domestic regulatory framework or Annex I; in calculating the time within which the Party of import is to respond, the number of days it has to wait for additional relevant information shall not be taken into account; or</li> <li>(d) Informing the notifier that the period specified in this paragraph is extended by a defined period of time.</li> </ul> <p>4. Except in a case in which consent is unconditional, a decision under paragraph 3 above, shall set out the reasons on which it is based.</p> <p>5. A failure by the Party of import to communicate its decision within two hundred and seventy days of the date of receipt of the notification shall not imply its consent to an intentional transboundary movement.</p> <p>6. Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of a living modified organism on the conservation and sustainable use of biological diversity in the Party of import, taking also into account risks to human health, shall not prevent that Party from taking a decision, as appropriate, with regard to the import of the living modified organism in question as referred to in paragraph 3 above, in order to avoid or minimize such potential adverse effects..."</p>

<p><b>Article 11</b> <b>Procedure for Living Modified Organisms Intended for Direct Use as Food or Feed, or for Processing</b></p>	<p>"1. A Party that makes a final decision regarding domestic use, including placing on the market, of a living modified organism that may be subject to transboundary movement for direct use as food or feed, or for processing shall, within fifteen days of making that decision, inform the Parties through the Biosafety Clearing-House. This information shall contain, at a minimum, the information specified in Annex II. The Party shall provide a copy of the information, in writing, to the national focal point of each Party that informs the Secretariat in advance that it does not have access to the Biosafety Clearing-House. This provision shall not apply to decisions regarding field trials.</p> <p>2. The Party making a decision under paragraph 1 above, shall ensure that there is a legal requirement for the accuracy of information provided by the applicant.</p> <p>3. Any Party may request additional information from the authority identified in paragraph (b) of Annex II.</p> <p>4. A Party may take a decision on the import of living modified organisms intended for direct use as food or feed, or for processing, under its domestic regulatory framework that is consistent with the objective of this Protocol.</p> <p>5. Each Party shall make available to the Biosafety Clearing-House copies of any national laws, regulations and guidelines applicable to the import of living modified organisms intended for direct use as food or feed, or for processing, if available.</p> <p>6. A developing country Party or a Party with an economy in transition may, in the absence of the domestic regulatory framework referred to in paragraph 4 above, and in exercise of its domestic jurisdiction, declare through the Biosafety Clearing-House that its decision prior to the first import of a living modified organism intended for direct use as food or feed, or for processing, on which information has been provided under paragraph 1 above, will be taken according to the following:</p> <ul style="list-style-type: none"> <li>(a) A risk assessment undertaken in accordance with Annex III; and</li> <li>(b) A decision made within a predictable timeframe, not exceeding two hundred and seventy days.</li> </ul> <p>7. Failure by a Party to communicate its decision according to paragraph 6 above, shall not imply its consent or refusal to the import of a living modified organism intended for direct use as food or feed, or for processing, unless otherwise specified by the Party.</p> <p>8. Lack of scientific certainty due to insufficient relevant scientific information and knowledge regarding the extent of the potential adverse effects of a living modified organism on the conservation and sustainable use of biological diversity in the Party of import, taking also into account risks to human health, shall not prevent that Party from taking a decision, as appropriate, with regard to the import of that living modified organism intended for direct use as food or feed, or for processing, in order to avoid or minimize such potential adverse effects.</p> <p>9. A Party may indicate its needs for financial and technical assistance and capacity-building with respect to living modified organisms intended for direct use as food or feed, or for processing. Parties shall cooperate to meet these needs in accordance with Articles 22 and 28".</p>
<p><b>Article 12</b> <b>Review of Decisions</b></p>	<p>"1. A Party of import may, at any time, in light of new scientific information on potential adverse effects on the conservation and sustainable use of biological diversity, taking also into account the risks to human health, review and change a decision regarding an intentional transboundary movement. In such case, the Party shall, within thirty days, inform any notifier that has previously notified movements of the living modified organism referred to in such decision, as well as the Biosafety Clearing-House, and shall set out the reasons for its decision.</p> <p>2. A Party of export or a notifier may request the Party of import to review a decision it has made in respect of it under Article 10 where the Party of export or the notifier considers that:</p> <ul style="list-style-type: none"> <li>(a) A change in circumstances has occurred that may influence the outcome of the risk assessment upon which the decision was based; or</li> <li>(b) Additional relevant scientific or technical information has become available.</li> </ul> <p>3. The Party of import shall respond in writing to such a request within ninety days and set out the reasons for its decision.</p> <p>4. The Party of import may, at its discretion, require a risk assessment for subsequent imports".</p>
<p><b>Article 13</b> <b>Simplified Procedure</b></p>	<p>"1. A Party of import may, provided that adequate measures are applied to ensure the safe intentional transboundary movement of living modified organisms in accordance with the objective of this Protocol, specify in advance to the Biosafety Clearing-House:</p> <ul style="list-style-type: none"> <li>(a) Cases in which intentional transboundary movement to it may take place at the same time as the movement is notified to the Party of</li> </ul>

	<p>import; and</p> <p>(b) Imports of living modified organisms to it to be exempted from the advance informed agreement procedure.</p> <p>Notifications under subparagraph (a) above, may apply to subsequent similar movements to the same Party.</p> <p>2. The information relating to an intentional transboundary movement that is to be provided in the notifications referred to in paragraph 1 (a) above, shall be the information specified in Annex I".</p>
<p><b>Article 14</b> <b>Bilateral, Regional and Multilateral Agreements and Arrangements</b></p>	<p>"1. Parties may enter into bilateral, regional and multilateral agreements and arrangements regarding intentional transboundary movements of living modified organisms, consistent with the objective of this Protocol and provided that such agreements and arrangements do not result in a lower level of protection than that provided for by the Protocol.</p> <p>2. The Parties shall inform each other, through the Biosafety Clearing-House, of any such bilateral, regional and multilateral agreements and arrangements that they have entered into before or after the date of entry into force of this Protocol.</p> <p>3. The provisions of this Protocol shall not affect intentional transboundary movements that take place pursuant to such agreements and arrangements as between the parties to those agreements or arrangements.</p> <p>4. Any Party may determine that its domestic regulations shall apply with respect to specific imports to it and shall notify the Biosafety Clearing-House of its decision".</p>
<p><b>Article 15</b> <b>Risk Assessment</b></p>	<p>"1. Risk assessments undertaken pursuant to this Protocol shall be carried out in a scientifically sound manner, in accordance with Annex III and taking into account recognized risk assessment techniques. Such risk assessments shall be based, at a minimum, on information provided in accordance with Article 8 and other available scientific evidence in order to identify and evaluate the possible adverse effects of living modified organisms on the conservation and sustainable use of biological diversity, taking also into account risks to human health.</p> <p>2. The Party of import shall ensure that risk assessments are carried out for decisions taken under Article10. It may require the exporter to carry out the risk assessment.</p> <p>3. The cost of risk assessment shall be borne by the notifier if the Party of import so requires".</p>
<p><b>Article 16</b> <b>Risk Management</b></p>	<p>"1. The Parties shall, taking into account Article 8(g) of the Convention, establish and maintain appropriate mechanisms, measures and strategies to regulate, manage and control risks identified in the risk assessment provisions of this Protocol associated with the use, handling and transboundary movement of living modified organisms.</p> <p>2. Measures based on risk assessment shall be imposed to the extent necessary to prevent adverse effects of the living modified organism on the conservation and sustainable use of biological diversity, taking also into account risks to human health, within the territory of the Party of import.</p> <p>3. Each Party shall take appropriate measures to prevent unintentional transboundary movements of living modified organisms, including such measures as requiring a risk assessment to be carried out prior to the first release of a living modified organism.</p> <p>4. Without prejudice to paragraph2 above, each Party shall endeavour to ensure that any living modified organism, whether imported or locally developed, has undergone an appropriate period of observation that is commensurate with its life-cycle or generation time before it is put to its intended use.</p> <p>5. Parties shall cooperate with a view to:</p> <p>(a) Identifying living modified organisms or specific traits of living modified organisms that may have adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health; and</p> <p>(b) Taking appropriate measures regarding the treatment of such living modified organisms or specific traits".</p>
<p><b>Article 18</b> <b>Handling, Transport, Packaging And Identification</b></p>	<p>"1. In order to avoid adverse effects on the conservation and sustainable use of biological diversity, taking also into account risks to human health, each Party shall take necessary measures to require that living modified organisms that are subject to intentional transboundary movement within the scope of this Protocol are handled, packaged and transported under conditions of safety, taking into consideration relevant international rules and standards.</p>

	<p>2. Each Party shall take measures to require that documentation accompanying:</p> <p>(a) Living modified organisms that are intended for direct use as food or feed, or for processing, clearly identifies that they "may contain" living modified organisms and are not intended for intentional introduction into the environment, as well as a contact point for further information. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall take a decision on the detailed requirements for this purpose, including specification of their identity and any unique identification, no later than two years after the date of entry into force of this Protocol;</p> <p>(b) Living modified organisms that are destined for contained use clearly identifies them as living modified organisms; and specifies any requirements for the safe handling, storage, transport and use, the contact point for further information, including the name and address of the individual and institution to whom the living modified organisms are consigned; and</p> <p>(c) Living modified organisms that are intended for intentional introduction into the environment of the Party of import and any other living modified organisms within the scope of the Protocol, clearly identifies them as living modified organisms; specifies the identity and relevant traits and/or characteristics, any requirements for the safe handling, storage, transport and use, the contact point for further information and, as appropriate, the name and address of the importer and exporter; and contains a declaration that the movement is in conformity with the requirements of this Protocol applicable to the exporter.</p> <p>3. The Conference of the Parties serving as the meeting of the Parties to this Protocol shall consider the need for and modalities of developing standards with regard to identification, handling, packaging and transport practices, in consultation with other relevant international bodies.</p>
<b>Article 19 Handling of Biotechnology and Distribution of its Benefits</b>	<p>"1. Each Contracting Party shall take legislative, administrative or policy measures, as appropriate, to provide for the effective participation in biotechnological research activities by those Contracting Parties, especially developing countries, which provide the genetic resources for such research, and where feasible in such Contracting Parties.</p> <p>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.</p> <p>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.</p> <p>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".</p>
<b>Article 26 Socio-Economic Considerations</b>	<p>"1. The Parties, in reaching a decision on import under this Protocol or under its domestic measures implementing the Protocol, may take into account, consistent with their international obligations, socio-economic considerations arising from the impact of living modified organisms on the conservation and sustainable use of biological diversity, especially with regard to the value of biological diversity to indigenous and local communities.</p> <p>2. The Parties are encouraged to cooperate on research and information exchange on any socio-economic impacts of living modified organisms, especially on indigenous and local communities".</p>
<b>Annexes</b>	<p>→ Annex I sets out the information required in notifications under Articles 8, 10 and 13 (AIA Procedure and Simplified Procedure).</p> <p>→ Annex II sets out the information required for LMOs intended for direct use as food or feed, or for processing under Article 11.</p> <p>→ Annex III gives greater details on the risk assessments carried out pursuant to the Protocol.</p>

# I. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

33. The UNFCCC does not directly restrict trade, but actions of countries implementing the UNFCCC could have trade implications.

<b>Article 3.5 Principles</b>	<p>"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".</p> <p>→ No adverse impacts on trade pursuant to policies and measures adopted by Parties have been reported to the UNFCCC.</p>
<b>Article 4.2 (a) Commitments</b>	<p>"2. The developed country Parties and other Parties included in Annex I commit themselves specifically as provided for in the following:</p> <p>(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".</p> <p>→ Sets up the requirement for developed country Parties to adopt national policies and corresponding measures to mitigate climate change.</p>

# J. KYOTO PROTOCOL

<b>Article 2</b>	<p>"1. Each Party included in Annex I, in achieving its quantified emission limitation and reduction commitments under Article 3, in order to promote sustainable development, shall:</p> <p>(a) Implement and/or further elaborate policies and measures in accordance with its national circumstances, such as:</p> <ul style="list-style-type: none"> <li>(i) Enhancement of energy efficiency in relevant sectors of the national economy;</li> <li>(ii) Protection and enhancement of sinks and reservoirs of greenhouse gases not controlled by the Montreal Protocol, taking into account its commitments under relevant international environmental agreements; promotion of sustainable forest management practices, afforestation and reforestation;</li> <li>(iii) Promotion of sustainable forms of agriculture in light of climate change considerations;</li> <li>(iv) Research on, and promotion, development and increased use of, new and renewable forms of energy, of carbon dioxide sequestration technologies and of advanced and innovative environmentally sound technologies;</li> <li>(v) Progressive reduction or phasing out of market imperfections, fiscal incentives, tax and duty exemptions and subsidies in all greenhouse gas emitting sectors that run counter to the objective of the Convention and application of market instruments;</li> <li>(vi) Encouragement of appropriate reforms in relevant sectors aimed at promoting policies and measures which limit or reduce emissions of greenhouse gases not controlled by the Montreal Protocol;</li> </ul>
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	<p>(vii) Measures to limit and/or reduce emissions of greenhouse gases not controlled by the Montreal Protocol in the transport sector;</p> <p>(viii) Limitation and/or reduction of methane emissions through recovery and use in waste management, as well as in the production, transport and distribution of energy".</p> <p>(b) Cooperate with other such Parties to enhance the individual and combined effectiveness of their policies and measures adopted under this Article, pursuant to Article 4, paragraph 2(e)(i), of the Convention. To this end, these Parties shall take steps to share their experience and exchange information on such policies and measures, including developing ways of improving their comparability, transparency and effectiveness. The Conference of Parties serving as the meeting of the Parties to this Protocol shall, at its first session or as soon as practicable thereafter, consider ways to facilitate such cooperation, taking into account all relevant information.</p> <p>2. The Parties included in Annex I shall pursue limitation or reduction of emissions of greenhouse gases not controlled by the Montreal Protocol from aviation and marine bunker fuels, working through the International Civil Aviation Organization and the International Maritime Organization, respectively.</p> <p>3. The Parties included in Annex I shall strive to implement policies and measures under this Article in such a way as to minimize adverse effects, including the adverse effects of climate change, effects on international trade, and social, environmental and economic impacts on other Parties, especially developing country Parties and in particular those identified in Article 4, paragraphs 8 and 9, of the Convention, taking into account Article 3 of the Convention. The Conference of the Parties serving as the meeting of the Parties to this Protocol may take further action, as appropriate, to promote the implementation of the provisions of this paragraph.</p> <p>4. The Conference of the Parties serving as the meeting of the Parties to this Protocol, if it decides that it would be beneficial to coordinate any of the policies and measures in paragraph 1(a) above, taking into account different national circumstances and potential effects, shall consider ways and means to elaborate the coordination of such policies and measures".</p>
<b>Articles 6, 12 and 17</b>	<p>→ The Kyoto Protocol sets out three flexibility mechanisms:</p> <ul style="list-style-type: none"> <li>▪ Article 6: Joint Implementation (projects between Annex I countries to help meet a Party's commitments.)</li> <li>▪ Article 12: Clean Development Mechanism (The CDM allows Annex I Parties to invest in projects in developing countries to achieve sustainable development, contribute to the objective of the Convention and assist Annex 1 Parties to comply with reduction commitments).</li> <li>▪ Article 17: Emissions Trading.</li> </ul>

## K. INTERNATIONAL TROPICAL TIMBER AGREEMENT

### 1. Provisions of the ITTA

34. There are no provisions for trade measures in the ITTA, 1994. However, following the entry into force of the ITTA, 1994, the ITTO's mandate on trade has been updated and refined. This is reflected in six trade-related objectives of the agreement which are outlined in Article 1.

<b>Article 1 Objectives</b>	<p>"Recognizing the sovereignty of members over their natural resources, as defined in Principle 1 (a) of the Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of all Types of Forests, the objectives of the International Tropical Timber Agreement, 1994 (hereinafter referred to as "this Agreement") are: ...</p> <p>(b) To provide a forum for consultation to promote non-discriminatory timber trade practices; ...</p> <p>(d) To enhance the capacity of members to implement a strategy for achieving exports of tropical timber and timber products from sustainably managed sources by the year 2000;</p>
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	<p>(e) To promote the expansion and diversification of international trade in tropical timber from sustainable sources by improving the structural conditions in international markets, by taking into account, on the one hand, a long term increase in consumption and continuity of supplies, and, on the other, prices which reflect the costs of sustainable forest management and which are remunerative and equitable for members, and the improvement of market access;...</p> <p>(h) To improve market intelligence with a view to ensuring greater transparency in the international timber market, including the gathering, compilation, and dissemination of trade related data, including data related to species being traded; ...</p> <p>(k) To improve marketing and distribution of tropical timber exports from sustainably managed sources;...</p> <p>(n) To encourage information-sharing on the international timber market".</p>
<b>Article 36 Non-discrimination</b>	"Nothing in this Agreement authorizes the use of measures to restrict or ban international trade in, and in particular as they concern imports of and utilization of, timber and timber products".

## 2. Decisions and Recommendations

35. The ITTO Council has adopted, for instance, the following decisions:

<b>Decision 3(X)</b>	→ In June 1991, the ITTO Council (ITTC) committed itself by Decision 3(X) to the "ITTO Year 2000 Objective", which is the goal of having all tropical timber entering international trade coming from sustainably managed sources by 2000. Since then, the Council has approved policy studies and project financing for a number of activities to help member countries move toward this Objective. The ITTO Year 2000 Objective has been incorporated to the operative objectives of ITTA, 1994 (Article 1(d)). At its Twenty-ninth Session, the ITTC reaffirmed its commitment to moving as rapidly as possible towards achieving exports of tropical timber and timber products from sustainably managed sources pursuant to the ITTO Objective 2000 (Decision 2 (XXIX) adopted on 4 November 2000).
<b>The ITTO Yokohama Action Plan 2002-2006</b>	→ At its Thirty-first Session, the ITTC adopted the ITTO Yokohama Action Plan 2002-2006, its third action plan (Decision 2 (XXXI), 3 November 2001).

## L. UN FISH STOCKS AGREEMENT

<b>Article 17.4 Non-members of organizations and non- participants in arrangements</b>	"States which are members of such organization [RFMOs] or participants in such arrangement shall exchange information with respect to the activities of fishing vessels flying the flags of States which are neither members of the organization nor participants in the arrangement and which are engaged in fishing operations for the relevant stocks. They shall take measures consistent with this Agreement and international law to deter activities of such vessels which undermine the effectiveness of subregional or regional conservation and management measures".
<b>Article 23 Measures taken by a port State</b>	<p>"1. A port State has the right and the duty to take measures, in accordance with international law, to promote the effectiveness of subregional, regional and global conservation and management measures. When taking such measures a port State shall not discriminate in form or in fact against the vessels of any State.</p> <p>2. A port State may, inter alia, inspect documents, fishing gear and catch on board fishing vessels, when such vessels are voluntarily in its ports or at</p>



	<p>its offshore terminals.</p> <p>3. States may adopt regulations empowering the relevant national authorities to prohibit landings and transshipments where it has been established that the catch has been taken in a manner which undermines the effectiveness of subregional, regional or global conservation and management measures on the high seas.</p> <p>4. Nothing in this article affects the exercise by States of their sovereignty over ports in their territory in accordance with international law".</p>
<b>Article 33.2</b> <b>Non-parties to this Agreement</b>	"States Parties shall take measures consistent with this Agreement and international law to deter the activities of vessels flying the flag of non-parties which undermine the effective implementation of this Agreement".

M. ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE

<b>Preamble</b>	<p>"...Recognizing that trade and environmental policies should be mutually supportive with a view to achieving sustainable development, Emphasizing that nothing in this Convention shall be interpreted as implying in any way a change in the rights and obligations of a Party under any existing international agreement applying to chemicals in international trade or to environmental protection, Understanding that the above recital is not intended to create a hierarchy between this Convention and other international agreements, Determined to protect human health, including the health of consumers and workers, and the environment against potentially harmful impacts from certain hazardous chemicals and pesticides in international trade..."</p>
<b>Articles 5, 6, 7 and 8</b>	→ Set out the procedure to list chemicals that are subject to the prior informed consent procedure in Annex III.
<b>Article 5</b> <b>Procedures for banned or severely restricted chemicals</b>	<p>"1. Each Party that has adopted a final regulatory action shall notify the Secretariat in writing of such action. Such notification shall be made as soon as possible, and in any event no later than ninety days after the date on which the final regulatory action has taken effect, and shall contain the information required by Annex I, where available.</p> <p>2. Each Party shall, at the date of entry into force of this Convention for it, notify the Secretariat in writing of its final regulatory actions in effect at that time, except that each Party that has submitted notifications of final regulatory actions under the Amended London Guidelines or the International Code of Conduct need not resubmit those notifications.</p> <p>3. The Secretariat shall, as soon as possible, and in any event no later than six months after receipt of a notification under paragraphs 1 and 2, verify whether the notification contains the information required by Annex I. If the notification contains the information required, the Secretariat shall forthwith forward to all Parties a summary of the information received. If the notification does not contain the information required, it shall inform the notifying Party accordingly.</p> <p>4. The Secretariat shall every six months communicate to the Parties a synopsis of the information received pursuant to paragraphs 1 and 2, including information regarding those notifications which do not contain all the information required by Annex I.</p> <p>5. When the Secretariat has received at least one notification from each of two Prior Informed Consent regions regarding a particular chemical that it has verified meet the requirements of Annex I, it shall forward them to the Chemical Review Committee. The composition of the Prior Informed Consent regions shall be defined in a decision to be adopted by consensus at the first meeting of the Conference of the Parties.</p> <p>6. The Chemical Review Committee shall review the information provided in such notifications and, in accordance with the criteria set out in Annex II, recommend to the Conference of the Parties whether the chemical in question should be made subject to the Prior Informed Consent procedure and, accordingly, be listed in Annex III".</p>

<p><b>Article 6</b> <b>Procedures for severely hazardous pesticide formulations</b></p>	<p>"1. Any Party that is a developing country or a country with an economy in transition and that is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory, may propose to the Secretariat the listing of the severely hazardous pesticide formulation in Annex III. In developing a proposal, the Party may draw upon technical expertise from any relevant source. The proposal shall contain the information required by part 1 of Annex IV.</p> <p>2. The Secretariat shall, as soon as possible, and in any event no later than six months after receipt of a proposal under paragraph 1, verify whether the proposal contains the information required by part 1 of Annex IV. If the proposal contains the information required, the Secretariat shall forthwith forward to all Parties a summary of the information received. If the proposal does not contain the information required, it shall inform the proposing Party accordingly.</p> <p>3. The Secretariat shall collect the additional information set out in part 2 of Annex IV regarding the proposal forwarded under paragraph 2.</p> <p>4. When the requirements of paragraphs 2 and 3 above have been fulfilled with regard to a particular severely hazardous pesticide formulation, the Secretariat shall forward the proposal and the related information to the Chemical Review Committee.</p> <p>5. The Chemical Review Committee shall review the information provided in the proposal and the additional information collected and, in accordance with the criteria set out in part 3 of Annex IV, recommend to the Conference of the Parties whether the severely hazardous pesticide formulation in question should be made subject to the Prior Informed Consent procedure and, accordingly, be listed in Annex III".</p>
<p><b>Article 7</b> <b>Listing of chemicals in Annex III</b></p>	<p>"1. For each chemical that the Chemical Review Committee has decided to recommend for listing in Annex III, it shall prepare a draft decision guidance document. The decision guidance document should, at a minimum, be based on the information specified in Annex I, or, as the case may be, Annex IV, and include information on uses of the chemical in a category other than the category for which the final regulatory action applies.</p> <p>2. The recommendation referred to in paragraph 1 together with the draft decision guidance document shall be forwarded to the Conference of the Parties. The Conference of the Parties shall decide whether the chemical should be made subject to the Prior Informed Consent procedure and, accordingly, list the chemical in Annex III and approve the draft decision guidance document.</p> <p>3. When a decision to list a chemical in Annex III has been taken and the related decision guidance document has been approved by the Conference of the Parties, the Secretariat shall forthwith communicate this information to all Parties".</p>
<p><b>Article 8</b> <b>Chemicals in the voluntary Prior Informed Consent procedure</b></p>	<p>"For any chemical, other than a chemical listed in Annex III, that has been included in the voluntary Prior Informed Consent procedure before the date of the first meeting of the Conference of the Parties, the Conference of the Parties shall decide at that meeting to list the chemical in Annex III, provided that it is satisfied that all the requirements for listing in that Annex have been fulfilled".</p>
<p><b>Article 9</b> <b>Removal of chemicals from Annex III</b></p>	<p>"1. If a Party submits to the Secretariat information that was not available at the time of the decision to list a chemical in Annex III and that information indicates that its listing may no longer be justified in accordance with the relevant criteria in Annex II or, as the case may be, Annex IV, the Secretariat shall forward the information to the Chemical Review Committee.</p> <p>2. The Chemical Review Committee shall review the information it receives under paragraph 1. For each chemical that the Chemical Review Committee decides, in accordance with the relevant criteria in Annex II or, as the case may be, Annex IV, to recommend for removal from Annex III, it shall prepare a revised draft decision guidance document.</p> <p>3. A recommendation referred to in paragraph 2 shall be forwarded to the Conference of the Parties and be accompanied by a revised draft decision guidance document. The Conference of the Parties shall decide whether the chemical should be removed from Annex III and whether to approve the revised draft decision guidance document.</p> <p>4. When a decision to remove a chemical from Annex III has been taken and the revised decision guidance document has been approved by the Conference of the Parties, the Secretariat shall forthwith communicate this information to all Parties".</p> <p>→ Contains the procedure for de-listing a chemical from Annex III.</p>

<p><b>Article 10</b> <b>Obligations in relation to imports of chemicals listed in Annex III</b></p>	<p>"1. Each Party shall implement appropriate legislative or administrative measures to ensure timely decisions with respect to the import of chemicals listed in Annex III.</p> <p>2. Each Party shall transmit to the Secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of the decision guidance document referred to in paragraph 3 of Article 7, a response concerning the future import of the chemical concerned. If a Party modifies this response, it shall forthwith submit the revised response to the Secretariat.</p> <p>3. The Secretariat shall, at the expiration of the time period in paragraph 2, forthwith address to a Party that has not provided such a response, a written request to do so. Should the Party be unable to provide a response, the Secretariat shall, where appropriate, help it to provide a response within the time period specified in the last sentence of paragraph 2 of Article 11.</p> <p>4. A response under paragraph 2 shall consist of either:</p> <ul style="list-style-type: none"> <li>(a) A final decision, pursuant to legislative or administrative measures: <ul style="list-style-type: none"> <li>(i) To consent to import;</li> <li>(ii) Not to consent to import; or</li> <li>(iii) To consent to import only subject to specified conditions; or</li> </ul> </li> <li>(b) An interim response, which may include: <ul style="list-style-type: none"> <li>(i) An interim decision consenting to import with or without specified conditions, or not consenting to import during the interim period;</li> <li>(ii) A statement that a final decision is under active consideration;</li> <li>(iii) A request to the Secretariat, or to the Party that notified the final regulatory action, for further information;</li> <li>(iv) A request to the Secretariat for assistance in evaluating the chemical.</li> </ul> </li> </ul> <p>5. A response under subparagraphs (a) or (b) of paragraph 4 shall relate to the category or categories specified for the chemical in Annex III.</p> <p>6. A final decision should be accompanied by a description of any legislative or administrative measures upon which it is based.</p> <p>7. Each Party shall, no later than the date of entry into force of this Convention for it, transmit to the Secretariat responses with respect to each chemical listed in Annex III. A Party that has provided such responses under the Amended London Guidelines or the International Code of Conduct need not resubmit those responses.</p> <p>8. Each Party shall make its responses under this Article available to those concerned within its jurisdiction, in accordance with its legislative or administrative measures.</p> <p>9. A Party that, pursuant to paragraphs 2 and 4 above and paragraph 2 of Article 11, takes a decision not to consent to import of a chemical or to consent to its import only under specified conditions shall, if it has not already done so, simultaneously prohibit or make subject to the same conditions:</p> <ul style="list-style-type: none"> <li>(a) Import of the chemical from any source; and</li> <li>(b) Domestic production of the chemical for domestic use.</li> </ul> <p>10. Every six months the Secretariat shall inform all Parties of the responses it has received. Such information shall include a description of the legislative or administrative measures on which the decisions have been based, where available. The Secretariat shall, in addition, inform the Parties of any cases of failure to transmit a response".</p>
<p><b>Article 11</b> <b>Obligations in relation to exports of chemicals listed in Annex III</b></p>	<p>"1. Each exporting Party shall:</p> <ul style="list-style-type: none"> <li>(a) Implement appropriate legislative or administrative measures to communicate the responses forwarded by the Secretariat in accordance with paragraph 10 of Article 10 to those concerned within its jurisdiction;</li> <li>(b) Take appropriate legislative or administrative measures to ensure that exporters within its jurisdiction comply with decisions in each response no later than six months after the date on which the Secretariat first informs the Parties of such response in accordance with paragraph 10 of Article 10;</li> <li>(c) Advise and assist importing Parties, upon request and as appropriate:</li> </ul>

	<p>(i) To obtain further information to help them to take action in accordance with paragraph 4 of Article 10 and paragraph 2 (c) below; and</p> <p>(ii) To strengthen their capacities and capabilities to manage chemicals safely during their life-cycle.</p> <p>2. Each Party shall ensure that a chemical listed in Annex III is not exported from its territory to any importing Party that, in exceptional circumstances, has failed to transmit a response or has transmitted an interim response that does not contain an interim decision, unless:</p> <p>(a) It is a chemical that, at the time of import, is registered as a chemical in the importing Party; or</p> <p>(b) It is a chemical for which evidence exists that it has previously been used in, or imported into, the importing Party and in relation to which no regulatory action to prohibit its use has been taken; or</p> <p>(c) Explicit consent to the import has been sought and received by the exporter through a designated national authority of the importing Party. The importing Party shall respond to such a request within sixty days and shall promptly notify the Secretariat of its decision.</p> <p>The obligations of exporting Parties under this paragraph shall apply with effect from the expiration of a period of six months from the date on which the Secretariat first informs the Parties, in accordance with paragraph 10 of Article 10, that a Party has failed to transmit a response or has transmitted an interim response that does not contain an interim decision, and shall apply for one year".</p>
<b>Article 12</b> <b>Export notification</b>	<p>"1. Where a chemical that is banned or severely restricted by a Party is exported from its territory, that Party shall provide an export notification to the importing Party. The export notification shall include the information set out in Annex V.</p> <p>2. The export notification shall be provided for that chemical prior to the first export following adoption of the corresponding final regulatory action. Thereafter, the export notification shall be provided before the first export in any calendar year. The requirement to notify before export may be waived by the designated national authority of the importing Party.</p> <p>3. An exporting Party shall provide an updated export notification after it has adopted a final regulatory action that results in a major change concerning the ban or severe restriction of that chemical.</p> <p>4. The importing Party shall acknowledge receipt of the first export notification received after the adoption of the final regulatory action. If the exporting Party does not receive the acknowledgement within thirty days of the dispatch of the export notification, it shall submit a second notification. The exporting Party shall make reasonable efforts to ensure that the importing Party receives the second notification.</p> <p>5. The obligations of a Party set out in paragraph 1 shall cease when:</p> <p>(a) The chemical has been listed in Annex III;</p> <p>(b) The importing Party has provided a response for the chemical to the Secretariat in accordance with paragraph 2 of Article 10; and</p> <p>(c) The Secretariat has distributed the response to the Parties in accordance with paragraph 10 of Article 10".</p>
<b>Article 13</b> <b>Information to accompany exported chemicals</b>	<p>"1. The Conference of the Parties shall encourage the World Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate. Each Party shall require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported.</p> <p>2. Without prejudice to any requirements of the importing Party, each Party shall require that both chemicals listed in Annex III and chemicals banned or severely restricted in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards.</p> <p>3. Without prejudice to any requirements of the importing Party, each Party may require that chemicals subject to environmental or health labelling requirements in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards.</p> <p>4. With respect to the chemicals referred to in paragraph 2 that are to be used for occupational purposes, each exporting Party shall require that a safety data sheet that follows an internationally recognized format, setting out the most up-to-date information available, is sent to each importer.</p> <p>5. The information on the label and on the safety data sheet should, as far as practicable, be given in one or more of the official languages of the importing Party".</p>

<b>Article 15 Implementation of the Convention</b>	"4. Nothing in this Convention shall be interpreted as restricting the right of the Parties to take action that is more stringently protective of human health and the environment than that called for in this Convention, provided that such action is consistent with the provisions of this Convention and is in accordance with international law".
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N. STOCKHOLM CONVENTION ON PERSISTENT ORGANIC POLLUTANTS

<b>Preamble</b>	"...Recognizing that this Convention and other international agreements in the field of trade and the environment are mutually supportive...".
<b>Article 3 Measures to reduce or eliminate releases from intentional production and use</b>	<p>"1. Each Party shall:</p> <ul style="list-style-type: none"> <li>(a) Prohibit and/or take the legal and administrative measures necessary to eliminate: <ul style="list-style-type: none"> <li>(i) Its production and use of the chemicals listed in Annex A subject to the provisions of that Annex; and</li> <li>(ii) Its import and export of the chemicals listed in Annex A in accordance with the provisions of paragraph 2; and</li> </ul> </li> <li>(b) Restrict its production and use of the chemicals listed in Annex B in accordance with the provisions of that Annex".</li> </ul> <p>2. Each Party shall take measures to ensure:</p> <ul style="list-style-type: none"> <li>(a) That a chemical listed in Annex A or Annex B is imported only: <ul style="list-style-type: none"> <li>(i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6; or</li> <li>(ii) For a use or purpose which is permitted for that Party under Annex A or Annex B;</li> </ul> </li> <li>(b) That a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only: <ul style="list-style-type: none"> <li>(i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;</li> <li>(ii) To a Party which is permitted to use that chemical under Annex A or Annex B; or</li> <li>(iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to: <ul style="list-style-type: none"> <li>a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases;</li> <li>b. Comply with the provisions of paragraph 1 of Article 6; and</li> <li>c. Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B.</li> </ul> </li> </ul> <p>The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. The exporting Party shall transmit the certification to the Secretariat within sixty days of receipt.</p> </li> <li>(c) That a chemical listed in Annex A, for which production and use specific exemptions are no longer in effect for any Party, is not exported from it except for the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;</li> <li>(d) For the purposes of this paragraph, the term "State not Party to this Convention" shall include, with respect to a particular chemical, a State or regional economic integration organization that has not agreed to be bound by the Convention with respect to that chemical.</li> </ul> <p>3. Each Party that has one or more regulatory and assessment schemes for new pesticides or new industrial chemicals shall take measures to regulate with the aim of preventing the production and use of new pesticides or new industrial chemicals which, taking into consideration the criteria in paragraph 1 of Annex D, exhibit the characteristics of persistent organic pollutants.</p> <p>4. Each Party that has one or more regulatory and assessment schemes for pesticides or industrial chemicals shall, where appropriate, take into consideration within these schemes the criteria in paragraph 1 of Annex D when conducting assessments of pesticides or industrial chemicals</p>

	<p>currently in use.</p> <p>5. Except as otherwise provided in this Convention, paragraphs 1 and 2 shall not apply to quantities of a chemical to be used for laboratory-scale research or as a reference standard.</p> <p>6. Any Party that has a specific exemption in accordance with Annex A or a specific exemption or an acceptable purpose in accordance with Annex B shall take appropriate measures to ensure that any production or use under such exemption or purpose is carried out in a manner that prevents or minimizes human exposure and release into the environment. For exempted uses or acceptable purposes that involve intentional release into the environment under conditions of normal use, such release shall be to the minimum extent necessary, taking into account any applicable standards and guidelines".</p>
<p><b>Article 4</b> <b>Register of specific exemptions</b></p>	<p>"1. A Register is hereby established for the purpose of identifying the Parties that have specific exemptions listed in Annex A or Annex B. It shall not identify Parties that make use of the provisions in Annex A or Annex B that may be exercised by all Parties. The Register shall be maintained by the Secretariat and shall be available to the public.</p> <p>2. The Register shall include:</p> <ul style="list-style-type: none"> <li>(a) A list of the types of specific exemptions reproduced from Annex A and Annex B;</li> <li>(b) A list of the Parties that have a specific exemption listed under Annex A or Annex B; and</li> <li>(c) A list of the expiry dates for each registered specific exemption.</li> </ul> <p>3. Any State may, on becoming a Party, by means of a notification in writing to the Secretariat, register for one or more types of specific exemptions listed in Annex A or Annex B.</p> <p>4. Unless an earlier date is indicated in the Register by a Party, or an extension is granted pursuant to paragraph 7, all registrations of specific exemptions shall expire five years after the date of entry into force of this Convention with respect to a particular chemical.</p> <p>5. At its first meeting, the Conference of the Parties shall decide upon its review process for the entries in the Register.</p> <p>6. Prior to a review of an entry in the Register, the Party concerned shall submit a report to the Secretariat justifying its continuing need for registration of that exemption. The report shall be circulated by the Secretariat to all Parties. The review of a registration shall be carried out on the basis of all available information. Thereupon, the Conference of the Parties may make such recommendations to the Party concerned as it deems appropriate.</p> <p>7. The Conference of the Parties may, upon request from the Party concerned, decide to extend the expiry date of a specific exemption for a period of up to five years. In making its decision, the Conference of the Parties shall take due account of the special circumstances of the developing country Parties and Parties with economies in transition.</p> <p>8. A Party may, at any time, withdraw an entry from the Register for a specific exemption upon written notification to the Secretariat. The withdrawal shall take effect on the date specified in the notification.</p> <p>9. When there are no longer any Parties registered for a particular type of specific exemption, no new registrations may be made with respect to it".</p> <p>→ Establishes a register of specific exemptions for Parties for production or use of POPs listed in Annexes A or B.</p>
<p><b>Article 8</b> <b>Listing of chemicals in Annexes A, B and C</b></p>	<p>→ Sets out the procedures for listing POPs in Annexes A, B and C.</p>

### III. SUPPORTIVE MEASURES

<b>1. IPPC</b>
<p><b>1997 Amendments: Article XX – Technical Assistance</b></p> <p>"The Contracting Parties agree to promote the provision of technical assistance to contracting parties, especially those that are developing contracting parties, either bilaterally or through the appropriate international organizations, with the objective of facilitating the implementation of this Convention".</p>
<b>2. ICCAT</b>
<p>→ Contracting Parties have access to scientific research, statistical database and other information. They can also obtain technical assistance in establishing their statistical systems, and in receiving training from the Commission.</p> <p>→ Funding of many of the Commission's activities is through the regular budget, provided by Contracting Party contributions. Special funding arrangements have been established, with funds from the public and private sectors.</p>
<b>3. CITES</b>
<p>→ CITES is funded through a Trust Fund administered by UNEP. CITES projects are funded through donor organizations and countries. Donor countries include: the EC, Nordic countries, the UK, the US and Japan.</p> <p>→ There are two types of CITES projects. 1) "Administrative projects" include, <i>inter alia</i>: those related to the funding of participants to CITES COPs or other meetings; technical assistance (e.g., support in the development of CITES-related legislation); training; and the provision of information (published and electronic); 2) "Species" projects are those that fund scientific research related to a particular animal or plant species (e.g., status survey, management and conservation of the African grey parrot in one or more countries).</p> <p>→ The CITES Secretariat provides technical assistance to developing countries through special programmes. These programmes aim at raising the capacity of the Parties to implement the Convention. CITES' training activities are coordinated by the Capacity Building Unit (CBU). Capacity-building activities include: workshops, seminars, training packages, dissemination of information through Internet and Newsletter, technical assistance, etc. The Scientific Support Unit (SSU) provides assistance to the CITES Parties to enhance the scientific basis for decision-making in CITES. SCU is responsible for workshops on non-detriment findings and quota management, as well as the creation of identification manuals. Compliance and enforcement are also important focal activities of the CITES Secretariat. The Legislation and Compliance Unit (LCU) provides technical assistance to enforcement officers through the organization of enforcement seminars, the preparation of customs training packages and legal advice for the development of national legislation. The Convention Support Unit (CSU) assists the Parties in understanding CITES provisions and provides logistic support in the organization of CITES meetings.</p> <p>→ Many Parties have asked the Secretariat for advice or assistance in the development of legislation to implement CITES. The Secretariat has responded in a variety of ways, including drafting models of law, developing a legislative checklist, directing requests for assistance to the relevant UNEP regional offices (e.g. for certain Latin American countries), missions by Secretariat staff, and providing written advice and/or comments on draft legislation. This assistance could be further developed to address the interaction between environmental and trade legislation, as well as the necessary institutional co-operation between Ministries of Environment and Ministries of Trade.</p> <p>→ The remaining external contributions received by the Secretariat are used on species-related surveys, a number of which were aimed at gathering information on a specific population's conservation status with a view to devising sustainable management programmes. Some of this financial support has also come from users of wildlife. Species covered in surveys with a sustainable use dimension include cats, parrots, pythons, crocodilians, lizards, corals and orchids.</p> <p>→ Specific programmes include:</p> <ol style="list-style-type: none"> <li>1. Legal and Trade Policy Officer: A new post has been created in the Legislation and Compliance Unit to assist the Parties in the development of "trade and environment" policies and to prepare "trade and environment" analyses for presentation and discussion at meetings of the Conference of the Parties and for consideration by fora such as the WTO.</li> <li>2. T.I.G.E.R.S (Trade Infraction and Global Enforcement Recording System) database: The CITES Secretariat regularly prepares a report on infractions or the types of</li> </ol>

fraud/smuggling employed. Where serious infractions exist, they are registered in the T.I.G.E.R.S database and reported to the CITES Standing Committee who may take appropriate measures to remind States of their signatory obligations.

3. National legislation project: Parties to CITES have precisely defined an approach, the National Legislation Project, for reviewing and evaluating domestic measures to implement the Convention. Three categories and four criteria are used to assess a Party's national legislation. The project, started in 1992, is currently in its fifth phase.

4. MIKE Monitoring of the Illegal Killing of Elephants Program

5. ETIS Elephant Trade Information System

#### 4. CCAMLR

No provisions

#### 5. Montreal Protocol

→ **Article 10 (as modified by the London Amendment)** established a Multilateral Fund for incremental costs. The Fund has disbursed nearly US\$1 billion to 120 developing countries for the purpose of institutional strengthening, training, project preparation, and implementation of investment projects. The Fund has the obligation to meet all the agreed incremental costs of developing countries for implementing the control measures. An indicative list of agreed incremental costs approved by the MOP IV was established in 1991 (permanent in 1992). The three-year initial budget for 1991-93 was US\$240 million and the budget was replenished in 1993, 1996 and 1999.

→ As of 2000, the fund has financed more than 2,000 projects in developing countries to meet the costs of changing from CFC technologies to more ozone-friendly technologies. Also, developing countries have received assistance for institutional strengthening and technical advice to help them reduce their use of ODS.

→ The allocations so far have been as follows (Period Amount in US\$ in Millions): 1991 to 1993: \$240; 1994 to 1996: \$455; 1997 to 1999: \$465; 2000 to 2002: \$440.

→ The GEF also provides funds to countries with economies in transition. There are a number of GEF-eligible countries that are Parties to the Protocol, where the production or consumption of ODS is too high to qualify for support under the Multilateral Fund. These are mainly countries in Central and Eastern Europe, and the former Soviet Union. The same criteria apply for the funding of ozone projects under the GEF as under the Multilateral Fund. The GEF has allocated US\$148 million for 14 such countries.

→ Technology Transfer under Article 10A occurs under fair and most favourable conditions.

→ Nearly 2500 projects are being implemented in developing countries to shift their use to non-ODS substances.

#### 6. Basel Convention

→ UNEP administers two trust funds for Basel:

1. A fund for the implementation of the Convention where funds are based on the UN scale of assessment and;
2. A technical cooperation fund to assist developing countries and other countries in need of assistance to implement the Convention. Parties decide on the level of contribution for this fund. Other financial resources come from bilateral assistance programmes among Parties.

→ Basel has no specific financial mechanism to facilitate technology transfer. This is problematic, as there is a lack of funds. For example, the Technical Cooperation Trust Fund to assist developing countries only had a budget of US\$600,000 for 1997/8. Further development and consolidation of the operation of the regional and sub-regional centres for training and technology transfer will provide for future assistance in these areas.

→ Capacity building (training and information management) is also carried out by Parties and the Secretariat. There are limited funds for capacity building. However, with the recent adoption of the Basel Declaration on Environmentally Sound Management, efforts will increase to assist Parties to minimize generation of wastes and to manage wastes generated in an environmentally sound manner. Parties agreed to provide US\$300,000 per year over a three-year period (2000-2002) to initiate activities for the implementation of the Basel Declaration.

→ At COP6, Parties considered and approved a draft decision on enlarging the scope of the Technical Cooperation Trust Fund, including interim guidelines on emergency assistance, compensation, and accident and damage prevention in an annex. The guidelines focus on emergency assistance, compensation for damage to the environment, capacity building, technology transfer, and developing measures to prevent accidents and damage to the environment caused by the transboundary movement of wastes and their disposal.



The COP invites developing countries and countries with economies in transition to submit to the Secretariat project proposals for development of capacity building and transfer of technology, and encourages Parties and the Secretariat to continue working on the improvement of the existing mechanism, or on establishment of a new mechanism, if necessary.

## **7. CBD**

### **Article 17: 2 – Exchange of Information**

"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: 3-4 – Technical and Scientific Cooperation**

" 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".

→ The financial mechanism for the CBD is the GEF. In total, the GEF has approved biodiversity projects amounting to over US\$ 1.3 billion.

## **8. Cartagena Protocol**

### **Article 20 – Information Sharing and the Biosafety Clearing-House**

"1. A Biosafety Clearing-House is hereby established as part of the clearing-house mechanism under Article 18, paragraph 3, of the Convention, in order to:  
(a) Facilitate the exchange of scientific, technical, environmental and legal information on, and experience with, living modified organisms; and  
(b) Assist Parties to implement the Protocol, taking into account the special needs of developing country Parties, in particular the least developed and small island developing States among them, and countries with economies in transition as well as countries that are centres of origin and centres of genetic diversity.  
2. The Biosafety Clearing-House shall serve as a means through which information is made available for the purposes of paragraph 1 above. It shall provide access to information made available by the Parties relevant to the implementation of the Protocol. It shall also provide access, where possible, to other international biosafety information exchange mechanisms.  
3. Without prejudice to the protection of confidential information, each Party shall make available to the Biosafety Clearing-House any information required to be made available to the Biosafety Clearing-House under this Protocol, and:  
(a) Any existing laws, regulations and guidelines for implementation of the Protocol, as well as information required by the Parties for the advance informed agreement procedure;  
(b) Any bilateral, regional and multilateral agreements and arrangements;  
(c) Summaries of its risk assessments or environmental reviews of living modified organisms generated by its regulatory process, and carried out in accordance with Article 15, including, where appropriate, relevant information regarding products thereof, namely, processed materials that are of living modified organism origin, containing detectable novel combinations of replicable genetic material obtained through the use of modern biotechnology;  
(d) Its final decisions regarding the importation or release of living modified organisms; and  
(e) Reports submitted by it pursuant to Article 33, including those on implementation of the advance informed agreement procedure.  
4. The modalities of the operation of the Biosafety Clearing-House, including reports on its activities, shall be considered and decided upon by the Conference of the Parties serving as the meeting of the Parties to this Protocol at its first meeting, and kept under review thereafter".

### **Article 22 – Capacity-Building**

"1. The Parties shall cooperate in the development and/or strengthening of human resources and institutional capacities in biosafety, including biotechnology to the extent that it is required for biosafety, for the purpose of the effective implementation of this Protocol, in developing country Parties, in particular the least developed and small island developing States among them, and in Parties with economies in transition, including through existing global, regional, subregional and national institutions and organizations and, as

appropriate, through facilitating private sector involvement.

2. For the purposes of implementing paragraph 1 above, in relation to cooperation, the needs of developing country Parties, in particular the least developed and small island developing States among them, for financial resources and access to and transfer of technology and know-how in accordance with the relevant provisions of the Convention, shall be taken fully into account for capacity-building in biosafety. Cooperation in capacity-building shall, subject to the different situation, capabilities and requirements of each Party, include scientific and technical training in the proper and safe management of biotechnology, and in the use of risk assessment and risk management for biosafety, and the enhancement of technological and institutional capacities in biosafety. The needs of Parties with economies in transition shall also be taken fully into account for such capacity-building in biosafety".

#### **Article 28:2 – Financial Mechanism and Resources**

"2. The financial mechanism established in Article 21 of the Convention shall, through the institutional structure entrusted with its operation, be the financial mechanism for this Protocol".

#### **Article 25 – Illegal Transboundary Movements**

"1. Each Party shall adopt appropriate domestic measures aimed at preventing and, if appropriate, penalizing transboundary movements of living modified organisms carried out in contravention of its domestic measures to implement this Protocol. Such movements shall be deemed illegal transboundary movements.

2. In the case of an illegal transboundary movement, the affected Party may request the Party of origin to dispose, at its own expense, of the living modified organism in question by repatriation or destruction, as appropriate.

3. Each Party shall make available to the Biosafety Clearing-House information concerning cases of illegal transboundary movements pertaining to it".

### **9. UNFCCC**

#### **Article 4 – Commitments**

"...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. ...

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"...

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..."

#### **Article 11 – Financial Mechanism**

→ Establishes a financial mechanism (which is the GEF) to provide financial resources, including for the transfer of technology.

→ GEF covers the difference (or "increment") between the costs of a project undertaken with global environmental objectives in mind, and the costs of an alternative project that the country would have implemented in the absence of global environmental concerns.

<b>10. Kyoto Protocol</b>
→ Adopts the financial mechanism of the UNFCCC, which is the GEF and takes into account Articles 4.3 and 4.5 of the UNFCCC in implementation of commitments.
<b>11. ITTA</b>
<p>→ <b>Article 20</b> provides for the establishment of the <b>Special Account</b> comprising of the Pre-Project Sub-Account and the Project Sub-Account. The sources of finance for the account may come from the Common Fund for Commodities, regional and international financial institutions and voluntary contributions. The resources of the account shall be used only for approved ITTO pre-projects and projects. Since it became operational in 1987, the ITTO has funded over 500 projects, pre-projects and activities for a total cost of over US\$ 230 million.</p> <p>→ <b>Article 21</b> of the ITTA, 1994 provides for the establishment of the <b>Bali Partnership Fund</b> for the sustainable management of tropical timber producing forests. The fund is exclusively reserved for producing members to achieve objective (d) of the ITTA, 1994 and is additional to the Special Account.</p>
<b>12. UN Fish Stocks</b>
<p>→ Part VII on "Requirements of Developing States" (Articles 24-26) provides for special assistance in favour of developing States in the implementation of the Agreement in recognition of their special requirements in relation to conservation and management of straddling fish stocks and highly migratory fish stocks and development of fisheries for such stocks. Such assistance applies also in respect of the conservation and management of straddling fish stocks and highly migratory fish stocks in areas under national jurisdiction of developing coastal States (Part I, Article 3.3).</p> <p><b>Article 25:1 – Forms of cooperation with developing States</b></p> <p>"1. States shall cooperate, either directly or through subregional, regional or global organizations:</p> <ul style="list-style-type: none"> <li>(a) to enhance the ability of developing States, in particular the least-developed among them and small island developing States, to conserve and manage straddling fish stocks and highly migratory fish stocks and to develop their own fisheries for such stocks;</li> <li>(b) to assist developing States, in particular the least-developed among them and small island developing States, to enable them to participate in high seas fisheries for such stocks, including facilitating access to such fisheries subject to articles 5 and 11; and</li> <li>(c) to facilitate the participation of developing States in subregional and regional fisheries management organizations and arrangements".</li> </ul> <p><b>Article 26 – Special assistance in the implementation of this Agreement</b></p> <p>"1. States shall cooperate to establish special funds to assist developing States in the implementation of this Agreement, including assisting developing States to meet the costs involved in any proceedings for the settlement of disputes to which they may be parties.</p> <p>2. States and international organizations should assist developing States in establishing new subregional or regional fisheries management organizations or arrangements, or in strengthening existing organizations or arrangements, for the conservation and management of straddling fish stocks and highly migratory fish stocks".</p>
<b>13. Rotterdam Convention</b>
<p><b>Article 16 – Technical assistance</b></p> <p>"The Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of this Convention. Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle".</p>
<b>14. Stockholm Convention</b>
<p><b>Article 7 – Implementation plans</b></p> <p>→ Calls for the development of national plans to implement the agreement.</p>

#### **Article 12 – Technical assistance**

- "1. The Parties recognize that rendering of timely and appropriate technical assistance in response to requests from developing country Parties and Parties with economies in transition is essential to the successful implementation of this Convention.
2. The Parties shall cooperate to provide timely and appropriate technical assistance to developing country Parties and Parties with economies in transition, to assist them, taking into account their particular needs, to develop and strengthen their capacity to implement their obligations under this Convention.
3. In this regard, technical assistance to be provided by developed country Parties, and other Parties in accordance with their capabilities, shall include, as appropriate and as mutually agreed, technical assistance for capacity-building relating to implementation of the obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.
4. The Parties shall establish, as appropriate, arrangements for the purpose of providing technical assistance and promoting the transfer of technology to developing country Parties and Parties with economies in transition relating to the implementation of this Convention. These arrangements shall include regional and subregional centres for capacity-building and transfer of technology to assist developing country Parties and Parties with economies in transition to fulfil their obligations under this Convention. Further guidance in this regard shall be provided by the Conference of the Parties.
5. The Parties shall, in the context of this Article, take full account of the specific needs and special situation of least developed countries and small island developing states in their actions with regard to technical assistance".

#### **Article 13 – Financial resources and mechanisms**

- Parties undertake to provide financial support and incentives to achieve the objective of the Convention. Developed country Parties shall provide new and additional financial resources to enable developing country Parties and Parties with economies in transition to meet the agreed full incremental costs of implementing measures which fulfill their obligations under the Convention.
- Establishes a mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition on a grant or concessional basis to assist in their implementation of the Convention.
- Calls upon the first meeting of the COP to develop appropriate guidance to be provided to the mechanism. At its second meeting, and on a regular basis, the COP shall review the effectiveness of the mechanism.

#### **Article 14 – Interim financial arrangements**

- Entrusts the GEF, on an interim basis, to be the principal entity operating the financial mechanism referred to in Article 13.

## IV. NON-COMPLIANCE MECHANISM

<b>1. IPPC</b>
<p><b>1997 Amendments: Article VII:2(f) – Requirements in relation to imports</b></p> <p>"2. In order to minimize interference with international trade, each contracting party, in exercising its authority under paragraph 1 of this Article, undertakes to act in conformity with the following: ...</p> <p>f) Importing contracting parties shall, as soon as possible, inform the exporting contracting party concerned or, where appropriate, the re-exporting contracting party concerned, of significant instances of non-compliance with phytosanitary certification. The exporting contracting party or, where appropriate, the re-exporting contracting party concerned, should investigate and, on request, report the result of its investigation to the importing contracting party concerned".</p> <p>→ Guidance for non-compliance is elaborated in the International Standard for Phytosanitary Measures No. 13, Guidelines for the Notification of Non-Compliance and Emergency Actions.</p>
<b>2. ICCAT</b>
<p><b>Article IX</b></p> <p>"1. The Contracting Parties agree to take all action necessary to ensure the enforcement of this Convention. Each Contracting Party shall transmit to the Commission, biennially or at such other times as may be required by the Commission, a statement of the action taken by it for these purposes.</p> <p>2. The Contracting Parties agree:</p> <p>(a) to furnish, on the request of the Commission, any available statistical, biological and other scientific information the Commission may need for the purposes of this Convention;</p> <p>(b) when their official agencies are unable to obtain and furnish the said information, to allow the Commission, through the Contracting Parties, to obtain it on a voluntary basis direct from companies and individual fishermen.</p> <p>3. The Contracting Parties undertake to collaborate with each other with a view to the adoption of suitable effective measures to ensure the application of the provisions of this Convention and in particular to set up a system of international enforcement to be applied to the Convention area except the territorial sea and other waters, if any, in which a state is entitled under international law to exercise jurisdiction over fisheries".</p> <p>→ Some non-compliance procedures have been enforced, such as reducing catch quotas by the amount of excess catch over the quota and or by 125 per cent of the excess. Also, trade measures can be, and have been applied to Contracting Parties (see Section III on Trade-Related Measures).</p>
<b>3. CITES</b>
<p><b>1) Provisions of the Convention</b></p> <p><b>Article XIII – International Measures</b></p> <p>"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.</p> <p>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.</p> <p>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".</p>

→ The Conference of the Parties reviews regularly the implementation of the Convention and, where appropriate, makes recommendations for improving the effectiveness of the Convention. It has the authority to make "whatever recommendations it deems appropriate" in relation to allegations of unsustainable trade or ineffective implementation. Evaluation of compliance within the Convention is based on the Secretariat's reports to the Conference of the Parties and CITES subsidiary bodies (e.g. annual reports, the Review of Significant Trade, national legislation and alleged infractions and other implementation problems).

→ The Standing Committee carries out such interim activities on behalf of the Conference of the Parties as may be necessary and provides guidance and advice on matters brought to it by the Secretariat in the exercise of its function. The Conference often instructs or delegates its authority to the Standing Committee, e.g. pursuant to Resolution Conf. 8.4, to consider "appropriate measures", which may include restrictions on the trade in specimens of CITES-listed species. In various instances, e.g. pursuant to Resolution Conf. 12.8 Rev.), the Secretariat recommends to the Standing Committee that all Parties immediately take strict measures including as appropriate suspension of trade in the affected species with a particular Party.

→ As CITES uses trade measures for its implementation, one recommendation for improving the effectiveness of the Convention is a temporary suspension of trade recommended by either the Conference of the Parties or the Standing Committee. In practical terms, this provides a period of time during which the relevant Party can move from non-compliance to compliance by, *inter alia*, enacting adequate legislation, combating and reducing illegal trade or responding to specific recommendations of the Standing Committee concerning the implementation of Article IV of the Convention in the context of the Review of Significant Trade. Having identified a problem of serious non-compliance, it would be inappropriate for Parties not to respond. Recommendations for a suspension of trade may be regarded as a precautionary measure to prevent a continuing violation of the Convention that is detrimental to the survival of one or more CITES-listed species.

→ Recommendations to suspend trade are used as a last resort and CITES puts significant emphasis on inducing Parties into compliance through consultations and advice or assistance. Furthermore, such measures generally are used in cases involving significant levels of trade and where no domestic measures exist to enforce the Convention. Finally, such recommendations are withdrawn immediately upon a Party's return to compliance.

## 2) Decisions of the Conference of the Parties

### **Conf. 11.3 – Compliance and enforcement**

#### ***Regarding compliance, control and cooperation***

*Urges* all Parties to strengthen, as soon as possible, the controls on trade in wildlife in the territories under their jurisdiction, and in particular controls on shipments from producing countries, including neighbouring countries, and to strictly verify the documents originating from such countries with the respective Management Authorities;

*Recommends* that:

a) all Parties:

i) ensure strict compliance and control in respect of all mechanisms and provisions of the Convention relating to the regulation of trade in animal and plant species listed in Appendix II, and of all provisions ensuring protection against illegal traffic for the species listed in the Appendices;

ii) in case of violation of the above-mentioned provisions, immediately take appropriate measures pursuant to Article VIII, paragraph 1, of the Convention in order to penalize such violation and to take appropriate remedial action; and

iii) inform each other of all circumstances and facts likely to be relevant as regards illegal traffic and also of control measures, with the aim of eradicating such traffic;

b) importing Parties in particular: not accept under any circumstances or pretext, export or re-export documents issued by any authority, irrespective of its hierarchical level, other than the Management Authority officially designated as competent by the exporting or re-exporting Party and duly notified to the Secretariat; and

c) if an importing country has reason to believe that an Appendix-II or III species is traded in contravention of the laws of any country involved in the transaction, it:

i) immediately inform the country whose laws were thought to have been violated and, to the extent possible, provide that country with copies of all documentation relating to the transaction; and

ii) where possible, apply stricter domestic measures to that transaction as provided for in Article XIV of the Convention; ...

#### ***Regarding application of Article XIII***

*Recommends* that:

a) when, in application of Article XIII, the Secretariat requests information on an alleged infraction, Parties reply within a time-limit of one month or, if this is impossible,

- acknowledge within the month and indicate a date, even an approximate one, by which they consider it will be possible to provide the information requested;
- b) when, within a one year time-limit, the information requested has not been provided, Parties provide the Secretariat with justification of the reasons for which they have not been able to respond;
- c) if major problems with implementation of the Convention in particular Parties are brought to the attention of the Secretariat, the Secretariat work together with the Party concerned to try to solve the problem and offer advice or technical assistance as required;
- d) if it does not appear a solution can be readily achieved, the Secretariat bring the matter to the attention of the Standing Committee, which may pursue the matter in direct contact with the Party concerned with a view to helping to find a solution; and
- e) the Secretariat keep the Parties informed as fully as possible, through Notifications, of such implementation problems and of actions taken to solve them, and include such problems in its report of alleged infractions..."

**Conf. 11.37 – Annual reports**

*"Directed to Parties*

From 1 January 2001, Parties should not authorize any trade in specimens of CITES-listed species with any Party that the Standing Committee has determined has failed, without having provided adequate justification, to provide the annual reports required under Article VIII, paragraph 7 (a), of the Convention for three consecutive years within the deadline established in Resolution Conf. 11.17 (Rev. CoP12), or the extended deadline that is provided for in that Resolution".

**Conf. 12.8 – Review of significant trade in specimens of Appendix-II species**

*"Measures to be taken regarding the implementation of recommendations*

- q) the Secretariat shall, in consultation with the Chairman of the Animals or Plants Committee, determine whether the recommendations referred to above have been implemented and report to the Standing Committee accordingly;
- r) where the recommendations have been met, the Secretariat shall, following consultation with the Chairman of the Standing Committee, notify the Parties that the species was removed from the process;
- s) when the Secretariat, having consulted with the Chairman of the Animals or Plants Committee, is not satisfied that a range State has implemented the recommendations made by the Animals or Plants Committee in accordance with paragraphs n) or o), it should recommend to the Standing Committee appropriate action, which may include, as a last resort, a suspension of trade in the affected species with that State. On the basis of the report of the Secretariat, the Standing Committee shall decide on appropriate action and make recommendations to the State concerned, or to all Parties;
- t) the Secretariat shall notify the Parties of any recommendations or actions taken by the Standing Committee;
- u) a recommendation to suspend trade in the affected species with the State concerned should be withdrawn only when that State demonstrates to the satisfaction of the Standing Committee, through the Secretariat, compliance with Article IV, paragraph 2 (a), 3 or 6 (a); and
- v) the Standing Committee, in consultation with the Secretariat and the Chairman of the Animals or Plants Committee, shall review recommendations to suspend trade that have been in place for longer than two years and, if appropriate, take measures to address the situation;"

**Conf. 12.81 – National laws for implementation of the Convention**

*"Directed to the Standing Committee*

With respect to Parties referred to in Decision 12.80 that have not complied with paragraph a), the Standing Committee shall consider appropriate measures, which may include restrictions on the commercial trade in specimens of CITES-listed species to or from such Parties".

**Conf. 12.83 – National laws for implementation of the Convention**

*"Directed to the Secretariat*

The Secretariat shall:

- a) consider the information on specific legislative measures adopted by the Parties to fulfil the requirements laid down in the text of the Convention and the Resolutions of the Conference of the Parties and amend the analyses of national legislation and the categories according to the criteria stated in Resolution Conf. 8.4;
- b) advise the Parties concerned of any amendments to the analyses of their legislation and to their categories, specifying in the case of legislation in Categories 2 and 3 the

- requirements that are not yet met;
- c) provide technical assistance to Parties requesting advice in the formulation of legislative proposals for CITES implementation by providing, to the extent resources are available:
- i) legal guidance in the preparation of necessary legislative measures;
  - ii) training of CITES authorities and other relevant bodies responsible for the formulation of wildlife trade policies or legislation; and
  - iii) any specific support relevant to the fulfilment of the legislative requirements for the implementation of CITES;
- d) report to the Standing Committee on Parties' progress in enacting legislation and, if necessary, recommend the adoption of appropriate compliance measures, including suspension of trade pursuant to the decisions taken at the 46th meeting of the Standing Committee (see Annex 5);
- e) identify for the Standing Committee any countries that require attention as a priority under the National Legislation Project; and
- f) report at the 13th meeting of the Conference of the Parties on:
- i) the legislation adopted by the Parties to implement the Convention and any recommendations relating to Parties that have not adopted adequate legislation for implementation of the Convention; and
  - ii) any progress concerning technical assistance provided to the Parties in the development of their national legislation for implementation of CITES".

#### 4. CCAMLR

##### *1) Promotion of Compliance*

##### **Article XXI**

"1. Each Contracting Party shall take appropriate measures within its competence to ensure compliance with the provisions of this Convention and with conservation measures adopted by the Commission to which the Party is bound in accordance with Article IX of this Convention.

2. Each Contracting Party shall transmit to the Commission information on measures taken pursuant to paragraph 1 above, including the imposition of sanctions for any violation".

##### **Conservation Measure 10-06 (2002) – Scheme to Promote Compliance by Contracting Party Vessels with CCAMLR Conservation Measures**

"...1. At each annual meeting, the Commission will identify those Contracting Parties whose vessels have engaged in fishing activities in the Convention Area in a manner which has diminished the effectiveness of CCAMLR conservation measures in force, and shall establish a list of such vessels (IUU Vessel List), in accordance with the procedures and criteria set out hereafter. ...

6. Contracting Parties whose vessels are included in the draft list established by the Secretariat will transmit before 30 June to CCAMLR, their comments, as appropriate, including verifiable VMS data and other supporting information showing that the vessels listed have neither engaged in fishing activities in contravention of CCAMLR conservation and management measures nor had the possibility of being engaged in fishing activities in the Convention Area. ...

9. The Standing Committee on Inspection and Compliance (SCIC) shall examine, each year, the Provisional IUU Vessel List as well as the comments and information received, and any further information provided during its annual deliberations which may be considered relevant to this review.

10. SCIC shall recommend that the Commission should remove vessels from the Provisional IUU Vessel List if the Contracting Party proves that:

- (a) the vessel did not take part in IUU fishing activities described in paragraph 1; or
- (b) it has taken effective action in response to the IUU fishing activities in question, including prosecution and imposition of sanctions of adequate severity; or
- (c) the vessel has changed ownership and that the new owner can establish the previous owner no longer has any legal, financial, or real interests in the vessel, or exercises control over it and that the new owner has not participated in IUU fishing; or
- (d) the Contracting Party has taken measures considered sufficient to ensure the granting of the right to the vessel to fly its flag will not result in IUU fishing. ...

16. Without prejudice to the rights of Flag States and Coastal States to take proper action consistent with international law, Contracting Parties should not take any trade measures or other sanctions which are inconsistent with their international obligations against vessels using as the basis for the action the fact that the vessel or vessels have been included in the draft list drawn up by the Secretariat, pursuant to paragraph 5.

17. The Chair of the Commission shall request the Contracting Parties identified pursuant to paragraph 1 to take all necessary measures to avoid diminishing the effectiveness of the CCAMLR conservation measures resulting from their vessels' activities, and to advise the Commission of actions taken in that regard.



18. The Commission shall review, at subsequent annual meetings, as appropriate, action taken by those Contracting Parties to which requests have been made pursuant to paragraph 17, and identify those which have not rectified their fishing activities.

19. The Commission shall decide appropriate measures to be taken in respect to *Dissostichus* spp. so as to address these issues with those identified Contracting Parties. In this respect, Contracting Parties may cooperate to adopt appropriate multilaterally agreed trade-related measures, consistent with the World Trade Organization (WTO), that may be necessary to prevent, deter and eliminate the IUU fishing activities identified by the Commission. Multilateral trade-related measures may be used to support cooperative efforts to ensure that trade in *Dissostichus* spp. and its products does not in any way encourage IUU fishing or otherwise undermine the effectiveness of CCAMLR's conservation measures which are consistent with the United Nations Convention on the Law of the Sea 1982".

**Conservation Measure 10-03 (2002) – Port Inspections of Vessels Carrying Toothfish**

"1. Contracting Parties shall undertake inspection of all fishing vessels carrying *Dissostichus* spp. which enter their ports. The inspection shall be for the purpose of determining that if the vessel carried out harvesting activities in the Convention Area, these activities were carried out in accordance with CCAMLR conservation measures, and that if it intends to land or tranship *Dissostichus* spp. the catch to be unloaded or transhipped is accompanied by a *Dissostichus* catch document required by Conservation Measure 10-05, and that the catch agrees with the information recorded on the document. ...

3. In the event that there is evidence that the vessel has fished in contravention of CCAMLR conservation measures, the catch shall not be landed or transhipped. The Contracting Party will inform the Flag State of the vessel of its inspection findings and will cooperate with the Flag State in taking such appropriate action as is required to investigate the alleged infringement, and, if necessary, apply appropriate sanctions in accordance with national legislation..."

**Conservation Measure 10-04 (2002) – Automated Satellite-Linked Vessel Monitoring Systems (VMS)**

"1. Each Contracting Party shall maintain an automated Vessel Monitoring System (VMS) to monitor the position of its fishing vessels, which are licensed [except for waters adjacent to the Kerguelen and Crozet Islands] in accordance with Conservation Measure 10-02.

2. The implementation of VMS on vessels while participating only in a krill fishery is not currently required. ...

5. Contracting Parties shall not issue licences under Conservation Measure 10-02 unless the VMS complies with paragraph 5 in its entirety..."

**2) System of Inspection**

**Article XXIV:1-2**

"1. In order to promote the objective and ensure observance of the provisions of this Convention, the Contracting Parties agree that a system of observation and inspection shall be established.

2. The system of observation and inspection shall be elaborated by the Commission on the basis of the following principles:

(a) Contracting Parties shall co-operate with each other to ensure the effective implementation of the system of observation and inspection, taking account of the existing international practice. This system shall include, inter alia, procedures for boarding and inspection by observers and inspectors designated by the Members of the Commission and procedures for flag state prosecution and sanctions on the basis of evidence resulting from such boarding and inspections. A report of such prosecutions and sanctions imposed shall be included in the information referred to in Article XXI of this Convention;

(b) in order to verify compliance with measures adopted under this Convention, observation and inspection shall be carried out on board vessels engaged in scientific research or harvesting of marine living resources in the area to which this Convention applies, through observers and inspectors designated by the Members of the Commission and operating under terms and conditions to be established by the Commission;

(c) designated observers and inspectors shall remain subject to the jurisdiction of the Contracting Party of which they are nationals. They shall report to the Member of the Commission by which they have been designated which in turn shall report to the Commission".

→ The CCAMLR System of Inspection has been in operation since 1989. Inspections of fishing and fisheries research vessels of CCAMLR Flag States are being carried out regularly by CCAMLR Inspectors designated by Members.

→ In December 2000, the Commission established the Standing Committee on Observation and Inspection (SCOI) to consider and prepare advice to the Commission on all matters related to inspections undertaken and steps taken by Members to enforce compliance with Conservation Measures. In 2002, the Subcommittee was renamed the Standing Committee on Implementation and Compliance (SCIC).

<b>5. Montreal Protocol</b>
<p><b>Article 8: Non-compliance</b></p> <p>"The Parties, at their first meeting, shall consider and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Protocol and for treatment of Parties found to be in non-compliance".</p> <p>→ In 1990 MOP II adopted non-compliance procedures and established an Implementation Committee. The functions of the Committee are to receive, consider and report on any submission made by one or more Parties and any information or observations forwarded by the Secretariat in connection with the preparation of a report referred to in Article 12 of the Protocol. After receiving a report by the Committee, the Meeting of the Parties may, taking into consideration the circumstances of the case, decide upon and call for steps to bring about full compliance with the Protocol, including measures to assist a Party's compliance and to further the Protocol's objectives.</p> <p>→ The Multilateral Fund, contributed to by developed countries, meets all the agreed incremental costs of all developing countries to implement the control measures. Parties having difficulties meeting their obligations under the Protocol have notified the MOP under self-reporting provisions of the procedure. In 1995, five countries with economies in transition jointly self-reported their foreseeable failure to comply with the Protocol's control measures.</p>
<b>6. Basel Convention</b>
<p>→ No cases of non-compliance to date. The cases thus far have not necessitated a mechanism. However, there have been some bilateral discussions regarding notification problems.</p> <p>→ Parties are working towards developing a compliance mechanism that should be non-confrontational, transparent, cost-effective, preventative in nature, as well as flexible. One of the main items under consideration by the Legal Working Group concerns the composition and tenure of the body to administer a compliance mechanism.</p> <p>→ At COP6, Parties adopted a decision on the compliance mechanism which sets out a Mechanism for promoting implementation and compliance. The mechanism is a non-confrontational, flexible and non-binding tool that aims at preventing problems. It will be administered by a Committee composed of 15 members reflecting an equitable geographic representation of the five UN regional groups. Submissions to the Committee may be made by: a Party regarding itself; one Party regarding another Party; or the Secretariat. Submissions regarding compliance are forwarded to the Party in question, who may respond or provide comments. The Committee may provide advice to the Party to facilitate compliance, such as: advice on regulatory regimes; assistance, including financial and technical support; elaboration of voluntary compliance action plans; and/or follow-up arrangements. The Committee may also review general issues of compliance and implementation of the Convention, and may recommend that the COP take additional measures regarding specific cases.</p>
<b>7. CBD</b>
<p><b>Article 26 – Reports</b></p> <p>"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".</p> <p>→ The first national reports were due on 31 December 1998. By the end of 1999 the Secretariat had received 112 reports from Parties and one report from a non-party.</p> <p>→ The CBD does not have a compliance procedure. Formal assessment of Parties or non-parties compliance has not occurred.</p>
<b>8. Cartagena Protocol</b>
<p><b>Article 33 – Monitoring and Reporting</b></p> <p>"Each Party shall monitor the implementation of its obligations under this Protocol, and shall, at intervals to be determined by the Conference of the Parties serving as the meeting of the Parties to this Protocol, report to the Conference of the Parties serving as the meeting of the Parties to this Protocol on measures that it has taken to implement the Protocol".</p> <p><b>Article 34 – Compliance</b></p> <p>"The Conference of the Parties serving as the meeting of the Parties to this Protocol shall, at its first meeting, consider and approve cooperative procedures and institutional</p>

mechanisms to promote compliance with the provisions of this Protocol and to address cases of non-compliance. These procedures and mechanisms shall include provisions to offer advice or assistance, where appropriate. They shall be separate from, and without prejudice to, the dispute settlement procedures and mechanisms established by Article 27 of the Convention".

## **9. UNFCCC**

### **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".

→ Pursuant to Article 13, COP 4 considered the establishment of a Multilateral Consultative Committee (MCC) for the resolution of questions regarding the implementation of the UNFCCC. The proposed MCC is to provide advice to Parties and to prevent disputes. The nature of the MCC is to be facilitative, non-judicial, transparent, and co-operative. The outcome of the MCC may include recommendations and any measures that the MCC deems suitable for the effective implementation of the Convention.

## **10. Kyoto Protocol**

### **Article 16**

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

### **Article 18**

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

→ A strong compliance system has been developed to determine and enforce compliance: The Compliance Committee consists of an Enforcement Branch, to determine compliance and apply consequences, and a Facilitative Branch, to address questions of implementation.

## **11. ITTA**

### **Article 19:7 – Administrative Account**

"If a member has not paid its full contribution to the administrative budget within four months after such contribution becomes due in accordance with paragraph 6 of this article, the Executive Director shall request that member to make payment as quickly as possible. If that member has still not paid its contribution within two months after such request, that member shall be requested to state the reasons for its inability to make payment. If at the expiry of seven months from the due date of contribution, that member has still not paid its contribution, its voting rights shall be suspended until such time as it has paid in full its contribution, unless the Council, by special vote, decides otherwise. If, on the contrary, a member has paid its full contribution to the administrative budget within four months after such contribution becomes due in accordance with paragraph 6 of this article, the member's contribution shall receive a discount as may be established by the Council in the financial rules of the Organization".

### **Article 44 – Exclusion**

"If the Council decides that any member is in breach of its obligations under this Agreement and decides further that such breach significantly impairs the operation of this Agreement, it may, by special vote, exclude that member from this Agreement. The Council shall immediately so notify the depositary. Six months after the date of the Council's decision, that member shall cease to be a party to this Agreement".

## 12. UN Fish Stocks

→ **Article 18** of Part V on "Duties of the Flag State" requires the flag State to ensure that vessels flying its flag comply with subregional and regional conservation and management measures. It shall authorize vessels flying its flag to fish on the high seas only where it is able to exercise effective control over such vessels. To this end, a flag State is obligated to take measures vis-à-vis fishing vessels flying its flag that can ensure such control, including the establishment of a national record of fishing vessels authorized to fish on the high seas; prohibition of high seas fishing without the necessary authorization; requirement of permits for high seas fishing; prohibition of unauthorized fishing in areas under the national jurisdiction of other States; requirements for marking of fishing vessels and fishing gear in accordance with FAO Standard Specifications for the Marking and Identification of Fishing Vessels; obligation of reporting relevant fisheries data; implementation of observer programmes and national inspection schemes; implementation of vessel monitoring systems; regulation of transshipment; and an obligation for the flag State to ensure compatibility of the national monitoring, control and surveillance system with existing subregional, regional or global systems.

→ Part VI on "Compliance and Enforcement" (Articles 19-23) contains several provisions on compliance and enforcement, which involve compliance and enforcement by the flag State, the port State, as well as a subregional and regional cooperative enforcement schemes that may involve non-flag State enforcement.

### **Article 19 – Compliance and enforcement by the flag State**

"1. A State shall ensure compliance by vessels flying its flag with subregional and regional conservation and management measures for straddling fish stocks and highly migratory fish stocks. To this end, that State shall:

- (a) enforce such measures irrespective of where violations occur;
  - (b) investigate immediately and fully any alleged violation of subregional or regional conservation and management measures, which may include the physical inspection of the vessels concerned, and report promptly to the State alleging the violation and the relevant subregional or regional organization or arrangement on the progress and outcome of the investigation;
  - (c) require any vessel flying its flag to give information to the investigating authority regarding vessel position, catches, fishing gear, fishing operations and related activities in the area of an alleged violation;
  - (d) if satisfied that sufficient evidence is available in respect of an alleged violation, refer the case to its authorities with a view to instituting proceedings without delay in accordance with its laws and, where appropriate, detain the vessel concerned; and
  - (e) ensure that, where it has been established, in accordance with its laws, a vessel has been involved in the commission of a serious violation of such measures, the vessel does not engage in fishing operations on the high seas until such time as all outstanding sanctions imposed by the flag State in respect of the violation have been complied with.
2. All investigations and judicial proceedings shall be carried out expeditiously. Sanctions applicable in respect of violations shall be adequate in severity to be effective in securing compliance and to discourage violations wherever they occur and shall deprive offenders of the benefits accruing from their illegal activities. Measures applicable in respect of masters and other officers of fishing vessels shall include provisions which may permit, inter alia, refusal, withdrawal or suspension of authorizations to serve as masters or officers on such vessels".

### **Article 21 – Subregional and regional cooperation in enforcement**

→ Provides a subregional and regional cooperative scheme in enforcement that may involve boarding and inspection by non-flag State inspectors within the framework of a RFMO or arrangement.

### **Article 22 – Basic procedures for boarding and inspection pursuant to article 21**

→ Provides for the basic procedures to be followed by duly authorized inspectors from an inspecting State in case of boarding and inspection.

### **Article 23 – Measures taken by a port State**

→ Provides for enforcement measures, which may be taken by a port State, whenever fishing vessels are voluntarily in its ports or at its offshore terminals. Such measures may include inspection of documents, fishing gear and catch on board fishing vessels, and prohibition of landings and transshipments if national regulations exist to this effect.

<b>13. Rotterdam Convention</b>
<b>Article 17 – Non-compliance</b> "The Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for treatment of Parties found to be in non-compliance".
<b>14. Stockholm Convention</b>
<b>Article 15 – Reporting</b> → Sets out a reporting mechanism on the implementation of the Convention. <b>Article 16 – Effectiveness evaluation</b> → Requests the COP to evaluate the effectiveness of the Convention. <b>Article 17 – Non-compliance</b> "The Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for the treatment of Parties found to be in non-compliance"

## V. DISPUTES

MEA	Relevant Provision		Any dispute ?
1. IPPC	IPPC 1979	1997 Amendments	No
	<p><b>Article IX – Settlement of disputes</b></p> <p>"1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting party considers that any action by another contracting party is in conflict with the obligations of the latter under Articles V and VI of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants or plant products coming from its territories, the government or governments concerned may request the Director-General of FAO to appoint a committee to consider the question in dispute.</p> <p>2. The Director-General of FAO shall thereupon, after consultation with the governments concerned, appoint a committee of experts which shall include representatives of those governments. This committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the governments concerned. This committee shall submit a report to the Director-General of FAO, who shall transmit it to the governments concerned and to the governments of other contracting parties.</p> <p>3. The contracting parties agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the governments concerned of the matter out of which the disagreement arose.</p> <p>4. The governments concerned shall share equally the expenses of the experts".</p>	<p><b>Article XIII – Settlement of disputes</b></p> <p>"1. If there is any dispute regarding the interpretation or application of this Convention, or if a contracting party considers that any action by another contracting party is in conflict with the obligations of the latter under Articles V and VII of this Convention, especially regarding the basis of prohibiting or restricting the imports of plants, plant products or other regulated articles coming from its territories, the contracting parties concerned shall consult among themselves as soon as possible with a view to resolving the dispute.</p> <p>2. If the dispute cannot be resolved by the means referred to in paragraph 1, the contracting party or parties concerned may request the FAO Director-General to appoint a committee of experts to consider the question in dispute, in accordance with rules and procedures that may be established by the Commission.</p> <p>3. This Committee shall include representatives designated by each contracting party concerned. The Committee shall consider the question in dispute, taking into account all documents and other forms of evidence submitted by the contracting parties concerned. The Committee shall prepare a report on the technical aspects of the dispute for the purpose of seeking its resolution. The preparation of the report and its approval shall be according to rules and procedures established by the Commission, and it shall be transmitted by the Director-General to the contracting parties concerned. The report may also be submitted, upon its request, to the competent body of the international organization responsible for resolving trade disputes.</p> <p>4. The contracting parties agree that the recommendations of such a committee, while not binding in character, will become the basis for renewed consideration by the contracting parties concerned of the matter out of which the disagreement arose.</p> <p>5. The contracting parties concerned shall share the expenses of the experts.</p> <p>6. The provisions of this Article shall be complementary to and not in derogation of the dispute settlement procedures provided for in other international agreements dealing with trade matters".</p>	

MEA	Relevant Provision	Any dispute ?
	→ The Interim Commission has established a Subsidiary body for Dispute settlement and has developed Rules of Procedure and Terms of Reference.	
2. ICCAT	→ No provisions	No
3. CITES	<b>Article XVIII – Resolution of Disputes</b> "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 can not 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".	No
4. CCAMLR	<b>Article XXV</b> "1. If any dispute arises between two or more of the Contracting Parties concerning the interpretation or application of this Convention, those Contracting Parties shall consult among themselves with a view to having the dispute resolved by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement or other peaceful means of their own choice. 2. Any dispute of this character not so resolved shall, with the consent in each case of all Parties to the dispute, be referred for settlement to the International Court of Justice or to arbitration; but failure to reach agreement on reference to the International Court or to arbitration shall not absolve Parties to the dispute from the responsibility of continuing to seek to resolve it by any of the various peaceful means referred to in paragraph 1 above. 3. In cases where the dispute is referred to arbitration, the arbitral tribunal shall be constituted as provided in the Annex to this Convention".	No.
5. Montreal Protocol	→ Article 11 of the Vienna Convention for the Protection of the Ozone Layer applies to the Montreal Protocol and its amendments with regard to dispute settlement. <b>Vienna Convention: Article 11 – Settlement of disputes</b> "1. In the event of a dispute between Parties concerning the interpretation or application of this Convention, the parties concerned shall seek solution by negotiation. 2. If the parties concerned cannot reach agreement by negotiation, they may jointly seek the good offices of, or request mediation by, a third party. 3. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a State or regional economic integration 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 procedures to be adopted by the Conference of the Parties at its first ordinary meeting; (b) Submission of the dispute to the International Court of Justice. 4. If the parties have not, in accordance with paragraph 3 above, accepted the same or any procedure, the dispute shall be submitted to conciliation in accordance with paragraph 5 below unless the parties otherwise agree. 5. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party.	No

MEA	Relevant Provision	Any dispute ?
	<p>The commission shall render a final and recommendatory award, which the parties shall consider in good faith.</p> <p>6. The provisions of this Article shall apply with respect to any protocol except as provided in the protocol concerned".</p>	
<p><b>6. Basel Convention</b></p>	<p><b>Article 20 – Settlement of Disputes</b></p> <p>"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.</p> <p>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.</p> <p>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:</p> <p>(a) submission of the dispute to the International Court of Justice; and/or</p> <p>(b) arbitration in accordance with the procedures set out in Annex VI.</p> <p>Such declaration shall be notified in writing to the Secretariat which shall communicate it to the Parties".</p> <p>→ In the event that arbitration is the chosen method (Annex VI), the tribunal is to draw up its own rules of procedure and render its decision in accordance with international law and with the provisions of the Convention. It may take all appropriate measures to establish the facts of the dispute and shall render a decision within a specified time limit. The award of the arbitral tribunal shall be accompanied by a statement of reasons and be final and binding on the Parties to the dispute.</p>	<p>No</p>
<p><b>7. CBD</b></p>	<p><b>Article 27 – Settlement of Disputes</b></p> <p>"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.</p> <p>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.</p> <p>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:</p> <p>(a) Arbitration in accordance with the procedure laid down in Part 1 of Annex II;</p> <p>(b) Submission of the dispute to the International Court of Justice.</p> <p>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.</p> <p>5. The provisions of this Article shall apply with respect to any protocol except as otherwise provided in the protocol concerned".</p> <p>→ The procedures for arbitration are set out in Part 1 of Annex II. The award of the arbitral tribunal is binding on the parties to the dispute. In the event of a conflict between two Parties, the arbitral provisions provide for the standard three-member panel, as described under the Montreal Protocol and the Basel Convention. If more Parties are involved, Parties "in the same interest" are to nominate a "common" arbitrator.</p> <p>→ If the dispute is not submitted to arbitration or the ICJ because either the Parties have not chosen a procedure, or each has chosen a</p>	<p>No</p>



MEA	Relevant Provision	Any dispute ?
	different procedure, the dispute must be submitted to conciliation. Conciliation does not lead to a binding decision, unless the Parties agree otherwise, but the proposals for resolution of the dispute must be considered in good faith. The procedures for the five-member conciliation commission are set out in Part 2 of Annex II.	
8. Cartagena Protocol	→ According to Article 27(5) of the CBD and 32 of the Protocol, the dispute settlement provisions of the CBD in Article 27 apply to the Protocol.	
9. UNFCCC	<p><b>Article 14 – Settlement of Disputes</b></p> <p>"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.</p> <p>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:</p> <p>(a) Submission of the dispute to the International Court of Justice, and/or</p> <p>(b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration.</p> <p>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. ...</p> <p>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.</p> <p>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.</p> <p>7. Additional procedures relating to conciliation shall be adopted by the Conference of the Parties, as soon as practicable, in an annex on conciliation.</p> <p>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".</p>	No
10. Kyoto Protocol	<p><b>Article 19</b></p> <p>"The provisions of Article 14 of the Convention on settlement of disputes shall apply <i>mutatis mutandis</i> to this Protocol".</p>	
11. ITTA	<p><b>Article 31 – Complaints and disputes</b></p> <p>"Any complaint that a member has failed to fulfil its obligations under this Agreement and any dispute concerning the interpretation or application of this Agreement shall be referred to the Council for decision. Decisions of the Council on these matters shall be final and binding".</p>	No
12. UN Fish Stocks	→ Part VIII on Peaceful Settlement of Disputes (Articles 27-32) contains provisions for the peaceful settlement of disputes arising out of the implementation of the Agreement.	No

MEA	Relevant Provision	Any dispute ?
	<p><b>Article 27 – Obligation to settle disputes by peaceful means</b>  "States have the obligation to settle their disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice".</p> <p><b>Article 28 – Prevention of disputes</b>  "States shall cooperate in order to prevent disputes. To this end, States shall agree on efficient and expeditious decision-making procedures within subregional and regional fisheries management organizations and arrangements and shall strengthen existing decision-making procedures as necessary.</p> <p><b>Article 29 – Disputes of a technical nature</b>  "Where a dispute concerns a matter of a technical nature, the States concerned may refer the dispute to an ad hoc expert panel established by them. The panel shall confer with the States concerned and shall endeavour to resolve the dispute expeditiously without recourse to binding procedures for the settlement of disputes".</p> <p><b>Article 30 – Procedures for the settlement of disputes</b>  → Stipulates that the procedures for the settlement of dispute set out in the UN Convention of the Law of the Sea (UNCLOS) applies <i>mutatis mutandis</i> to any dispute between State Parties to the Agreement concerning the interpretation or application of the Agreement, whether or not they are also Parties to UNCLOS.</p> <p><b>Article 31 – Provisional measures</b>  "1. Pending the settlement of a dispute in accordance with this Part, the parties to the dispute shall make every effort to enter into provisional arrangements of a practical nature.  2. Without prejudice to article 290 of the Convention, the court or tribunal to which the dispute has been submitted under this Part may prescribe any provisional measures which it considers appropriate under the circumstances to preserve the respective rights of the parties to the dispute or to prevent damage to the stocks in question, as well as in the circumstances referred to in article 7, paragraph 5, and article 16, paragraph 2.  3. A State Party to this Agreement which is not a Party to the Convention may declare that, notwithstanding article 290, paragraph 5, of the Convention, the International Tribunal for the Law of the Sea shall not be entitled to prescribe, modify or revoke provisional measures without the agreement of such State."</p> <p><b>→ The relevant provisions of UNCLOS</b></p> <ul style="list-style-type: none"> <li>▪ Part XV of UNCLOS requires that State Parties to the Convention settle any dispute between them concerning the interpretation or application of the Convention by all peaceful means referred to in the UN Charter.</li> <li>▪ Where no settlement has been reached by recourse to procedures entailing non-binding decisions under Part XV, Section 1, the dispute shall be submitted at the request of any party, to the compulsory procedures entailing binding decisions provided for in Section 2 of Part XV.</li> <li>▪ Article 287 lists the following courts or tribunals as means for the settlement of disputes under Section 2: <ul style="list-style-type: none"> <li>- ITLOS (established in accordance with Annex VI of the Convention) including the Seabed Disputes Chamber;</li> <li>- the ICJ;</li> <li>- an arbitral tribunal constituted in accordance with Annex VII of the Convention;</li> <li>- a special arbitral tribunal constituted in accordance with Annex VIII for one or more of the categories of disputes specified therein.</li> </ul> </li> </ul>	

MEA	Relevant Provision	Any dispute ?
	<ul style="list-style-type: none"> <li>▪ The jurisdiction of ITLOS comprises all disputes and all applications submitted to it in accordance with UNCLOS and all matters specifically provided for in any other agreement, which confers jurisdiction to the Tribunal.</li> <li>▪ Part XV, Section 3 on limitations and exceptions to the applicability of Section 2 stipulates in Article 297, para.3 that disputes relating to the sovereign rights of the coastal State relating to the living resources in the EEZ, or the exercise of such rights in that zone, are excluded from the compulsory procedures entailing binding decisions provided for in Part XV, Section 2.</li> <li>▪ Where no settlement has been reached by recourse to Part XV, Section 1, such disputes shall be submitted to the compulsory conciliation procedure established under Annex V, Section 2 of UNCLOS. Under such a procedure, only the submission to the proceedings is compulsory since the report of the commission of conciliation, including its conclusions or recommendations, remains non-binding upon the Parties to the dispute.</li> </ul>	
<b>13. Rotterdam Convention</b>	<p><b>Article 20 – Settlement of disputes</b></p> <p>"1. Parties shall settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.</p> <p>2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, with respect to 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:</p> <p>(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable; and</p> <p>(b) Submission of the dispute to the International Court of Justice.</p> <p>3. A Party that 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).</p> <p>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.</p> <p>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.</p> <p>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 a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than the second meeting of the Conference".</p>	
<b>14. Stockholm Convention</b>	<p><b>Article 18 – Settlement of disputes</b></p> <p>"1. Parties shall settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.</p> <p>2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the depositary that, with respect to 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:</p> <p>(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable;</p> <p>(b) Submission of the dispute to the International Court of Justice.</p>	

MEA	Relevant Provision	Any dispute ?
	<p>3. A Party that 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).</p> <p>4. A declaration made pursuant to paragraph 2 or paragraph 3 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.</p> <p>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.</p> <p>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 a conciliation commission at the request of any party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than at its second meeting".</p>	

## VI. PROVISIONS FOR NON-PARTIES

### 1. IPPC

#### **1997 Amendment: Article XVIII – Non contracting parties**

"The contracting parties shall encourage any state or member organization of FAO, not a party to this Convention, to accept this Convention, and shall encourage any non-contracting party to apply phytosanitary measures consistent with the provisions of this Convention and any international standards adopted hereunder".

### 2. ICCAT

→ In 1997, the Commission adopted a Resolution urging non-parties to either become Contracting Parties, or to attain status as a "Cooperating Party, Entity, or Fishing Entity". Such status requires the firm commitment to provide the same data that Contracting Parties are required to submit and to respect the Commission's management recommendations. Such status is granted for one-year periods and is subject to review annually. In 1999, Chinese Taipei and Mexico were granted Cooperating Status. In 2001, the Philippines was also granted Cooperating Status. In 2002, Mexico became a member of ICCAT. This 1997 resolution was substituted by a new resolution in 2002.

#### **Resolution 01-17 – On Becoming a Cooperating Party/Entity/Fishing Entity (Transmitted to Contracting Parties 22 March 2002)**

"The International Commission for the Conservation of Atlantic Tunas (ICCAT) resolves that:

1. Each year, the Executive Secretary of ICCAT shall contact all Non-contracting Parties, Entities, or Fishing Entities known to be fishing in the Convention area for species under ICCAT competence to urge each of them to become a Contracting Party to ICCAT or to attain status as a Cooperating Party, Entity or Fishing Entity. In doing so, the Executive Secretary shall provide a copy of all relevant Recommendations and Resolutions adopted by the Commission.

2. Any Non-contracting Party, Entity or Fishing Entity which seeks to be accorded Cooperating Party, Entity or Fishing Entity status shall apply to the Executive Secretary. At the time such a request is made the applicant shall inform ICCAT of its firm commitment to respect the Commission's conservation and management measures. The applicant shall commit itself to transmit all the data to ICCAT that the Contracting Parties have to submit to ICCAT based on the recommendations adopted by the Commission. Requests must be received by the ICCAT Secretariat no later than ninety (90) days in advance of an ICCAT annual meeting, to be considered at that meeting.

3. The Commission's Permanent Working Group for the Improvement of ICCAT Statistics and Conservation Measures (PWG) shall be responsible for reviewing requests for Cooperating Party, Entity or Fishing Entity status and for recommending to the Commission whether or not an applicant should be considered a Cooperating Party, Entity or Fishing Entity.

4. Cooperating Party, Entity or Fishing Entity status shall be annually reviewed and renewed unless revoked by the Commission due to non-compliance of ICCAT conservation and management measures or a written request for withdrawal of the status has been received by the Commission.

5. Those Non-contracting Parties, Entities or Fishing Entities that do not respond to the Commission as specified in this Resolution will not be considered Cooperating Parties, Entities or Fishing Entities to ICCAT.

6. The Resolution by ICCAT on Becoming a Cooperating Party, Entity or Fishing Entity, adopted at the 1997 Commission meeting, be substituted by this Resolution".

→ Chinese Taipei and the Philippines, Cooperating non-Contracting Parties, Entities or Fishing Entities are complying with the Commission's regulations to the same extent as Contracting Parties. Requests for Cooperating Status from Belize and The Netherlands Antilles will be considered by the Commission in 2003.

→ In addition, according to the ICCAT Secretariat, the following non-Contracting Parties, Entities or Fishing Entities can be considered as important or key players, because of their involvement in tuna fisheries: Belize, Bolivia, Cambodia, Chinese Taipei, Denmark (Faroe Islands), Georgia, Indonesia, Malta, The Netherlands Antilles, the Philippines, Seychelles, Sierra Leone, St. Vincent and the Grenadines, Thailand, and Turkey.

### 3. CITES

#### 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".

#### Resolution Conf. 9.5 (1994) – Trade with States not party to the Convention

...*Recommends* that:

- a) permits and certificates issued by States not party to the Convention not be accepted by Parties unless they contain:
    - i) the name, stamp and signature of a competent issuing authority;
    - ii) sufficient identification of the species concerned for the purposes of the Convention;
    - iii) certification of the origin of the specimen concerned including the export permit number from the country of origin, or justification for omitting such certification;
    - iv) in the case of export of specimens of a species included in Appendix I or II, certification to the effect that the competent scientific institution has advised that the export will not be detrimental to the survival of the species (in case of doubt a copy of such advice should be required) and that the specimens were not obtained in contravention of the laws of the State of export;
    - v) in the case of re-export, certification to the effect that the competent authority of the country of origin has issued an export document that substantially meets the requirements of Article VI of the Convention; and
    - vi) in the case of export or re-export of live specimens, certification to the effect that they will be transported in a manner that will minimize the risk of injury, damage to health or cruel treatment;
  - b) Parties accept documentation from States not party to the Convention only if details of the competent authorities and scientific institutions of such States are included in the most recent updated list of the Secretariat or after consultation with the Secretariat;
  - c) the recommendations above also apply to specimens in transit destined for or coming from States not party to the Convention, including specimens in transit between such States;
  - d) particular attention be given to the inspection of specimens in transit exported or re-exported from, and/or destined for States not party to the Convention and to the inspection of documentation for such specimens;
  - e) Parties authorize import from and export or re-export to States not party to the Convention of specimens of wild origin of Appendix-I species only in special cases where it benefits the conservation of the species or provides for the welfare of the specimens, and only after consultation with the Secretariat;
  - f) Parties allow import from States not party to the Convention of captive-bred and artificially propagated specimens of Appendix-I species only after favourable advice from the Secretariat; and
  - g) Parties communicate to the Secretariat any inconsistencies in trade involving States not party to the Convention; ..."
- The following non-parties have provided the information requested by Resolution Conf. 9.5 (i.e., proof that comparable documentation is being issued by competent authorities): Albania; Angola; Bahrain; Cook Islands; Democratic People's Republic of Korea; Haiti; Kiribati; Lebanon; Marshall Islands; Federated States of Micronesia; Niue; Oman; Palau; Solomon Islands; Tonga; and Tuvalu.
- China is a Party to CITES. Hong Kong SAR, China, however, has its own CITES Management Authority and Scientific Authority.
- According to the CITES Secretariat, key non-parties include: Angola (significant trade); Lao PDR.

#### 4. CCAMLR

##### Article X:1

"The Commission shall draw the attention of any State which is not a Party to this Convention to any activity undertaken by its nationals or vessels which, in the opinion of the Commission, affects the implementation of the objective of this Convention".

##### Conservation Measure 10-07 (2002) – Scheme to Promote Compliance by Non-Contracting Party Vessels with CCAMLR Conservation Measures

"1. The Contracting Parties request non-Contracting Parties to cooperate fully with the Commission with a view to ensuring that the effectiveness of CCAMLR conservation measures is not undermined...".

→ Prohibits Parties from allowing the landing or transshipment of fish from the vessel of a non-Contracting Party sighted engaging in fishing activities within the Convention Area, and therefore presumed to be undermining the effectiveness of CCAMLR Conservation Measures, unless the vessel has been inspected by authorized Contracting Party officials whom can establish that the fish were caught outside the Convention Area or in compliance with all relevant CCAMLR Conservation Measures and requirements under the Convention.

→ The Contracting Parties, realizing that Conservation Measure 10-07 (2002) would be most effective if non-parties agreed to participate, had the Commission draw up an Explanatory Memorandum and a Policy to Enhance the Cooperation between CCAMLR and non-Contracting Parties.

→ Non-parties are urged to cooperate with CCAMLR, as they may import toothfish caught in the CCAMLR Conservation Area or provide ports and landing facilities to vessels which may have been illegally fishing for toothfish.

#### 5. Montreal Protocol

→ See Article 4 (in Section II.E:1) above).

→ According to Article 4:8, trade restrictions do not apply if a non-party is in compliance with the Protocol.

#### 6. Basel Convention

##### Article 4:5 – General Obligations

"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".

##### 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 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".

→ Parties can consent to transboundary movements with non-parties provided the provisions in the Convention are met.

<b>7. CBD</b>
<p>→ There are no articles that deal directly with the rights of non-parties. According to rules of procedure of the COP, meetings of the Convention are open to non-parties as observers.</p> <p>→ One non-party has submitted a report on measures taken to implement the CBD.</p>
<b>8. Cartagena Protocol</b>
<p><b>Article 24 – Non-Parties</b></p> <p>"1. Transboundary movements of living modified organisms between Parties and non-Parties shall be consistent with the objective of this Protocol. The Parties may enter into bilateral, regional and multilateral agreements and arrangements with non-Parties regarding such transboundary movements.</p> <p>2. The Parties shall encourage non-Parties to adhere to this Protocol and to contribute appropriate information to the Biosafety Clearing-House on living modified organisms released in, or moved into or out of, areas within their national jurisdictions".</p>
<b>9. UNFCCC</b>
No provisions
<b>10. Kyoto Protocol</b>
No provisions
<b>11. ITTA</b>
No provisions
→ According to the ITTO Secretariat, all States that are considered key players are members, except the Russian Federation.
<b>12. UN Fish Stocks</b>
<p><b>Article 8 – Cooperation for conservation and management</b></p> <p>"1. Coastal States and States fishing on the high seas shall, in accordance with the Convention, pursue cooperation in relation to straddling fish stocks and highly migratory fish stocks either directly or through appropriate subregional or regional fisheries management organizations or arrangements, taking into account the specific characteristics of the subregion or region, to ensure effective conservation and management of such stocks.</p> <p>2. States shall enter into consultations in good faith and without delay, particularly where there is evidence that the straddling fish stocks and highly migratory fish stocks concerned may be under threat of over-exploitation or where a new fishery is being developed for such stocks. To this end, consultations may be initiated at the request of any interested State with a view to establishing appropriate arrangements to ensure conservation and management of the stocks. Pending agreement on such arrangements, States shall observe the provisions of this Agreement and shall act in good faith and with due regard to the rights, interests and duties of other States.</p> <p>3. Where a subregional or regional fisheries management organization or arrangement has the competence to establish conservation and management measures for particular straddling fish stocks or highly migratory fish stocks, States fishing for the stocks on the high seas and relevant coastal States shall give effect to their duty to cooperate by becoming members of such organization or participants in such arrangement, or by agreeing to apply the conservation and management measures established by such organization or arrangement. States having a real interest in the fisheries concerned may become members of such organization or participants in such arrangement. The terms of participation in such organization or arrangement shall not preclude such States from membership or participation; nor shall they be applied in a manner which discriminates against any State or group of States having a real interest in the fisheries concerned.</p> <p>4. Only those States which are members of such an organization or participants in such an arrangement, or which agree to apply the conservation and management measures established by such organization or arrangement, shall have access to the fishery resources to which those measures apply.</p>



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

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

#### **Article 17 – Non-members of organizations and non-participants in arrangements**

"1. A State which is not a member of a subregional or regional fisheries management organization or is not a participant in a subregional or regional fisheries management arrangement, and which does not otherwise agree to apply the conservation and management measures established by such organization or arrangement, is not discharged from the obligation to cooperate, in accordance with the Convention and this Agreement, in the conservation and management of the relevant straddling fish stocks and highly migratory fish stocks.

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

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

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

→ The Agreement provides, as a general rule, that a State which is not a member of a RFMO or is not a participant in a subregional or regional fisheries management arrangement, shall not authorize a vessel flying its flag to engage in fishing operations for the straddling fish stocks and highly migratory fish stocks, which are subject to the conservation and management measures of such organization or arrangement. It therefore requests member States of RFMOs and arrangements to deter the activities of vessels of non-member States or non-participants in their regulatory areas, which undermine conservation and management measures.

#### **Article 33 – Non-parties to this Agreement**

"1. States Parties shall encourage non-parties to this Agreement to become parties thereto and to adopt laws and regulations consistent with its provisions.

2. States Parties shall take measures consistent with this Agreement and international law to deter the activities of vessels flying the flag of non-parties which undermine the effective implementation of this Agreement".

### **13. Rotterdam Convention**

#### **Article 10:9(a) – Obligations in relation to imports of chemicals listed in Annex III**

"9. A Party that, pursuant to paragraphs 2 and 4 above and paragraph 2 of Article 11, takes a decision not to consent to import of a chemical or to consent to its import only under specified conditions shall, if it has not already done so, simultaneously prohibit or make subject to the same conditions: (a) Import of the chemical from any source".

#### 14. Stockholm Convention

##### **Article 3:2(b) – Measures to reduce or eliminate releases from intentional production and use**

"2. Each Party shall take measures to ensure:

(b) That a chemical listed in Annex A for which any production or use specific exemption is in effect or a chemical listed in Annex B for which any production or use specific exemption or acceptable purpose is in effect, taking into account any relevant provisions in existing international prior informed consent instruments, is exported only:

- (i) For the purpose of environmentally sound disposal as set forth in paragraph 1 (d) of Article 6;
- (ii) To a Party which is permitted to use that chemical under Annex A or Annex B; or
- (iii) To a State not Party to this Convention which has provided an annual certification to the exporting Party. Such certification shall specify the intended use of the chemical and include a statement that, with respect to that chemical, the importing State is committed to:
  - a. Protect human health and the environment by taking the necessary measures to minimize or prevent releases;
  - b. Comply with the provisions of paragraph 1 of Article 6; and
  - c. Comply, where appropriate, with the provisions of paragraph 2 of Part II of Annex B.

The certification shall also include any appropriate supporting documentation, such as legislation, regulatory instruments, or administrative or policy guidelines. The exporting Party shall transmit the certification to the Secretariat within sixty days of receipt".

# ANNEX 1 – MEMBERSHIP IN WTO AND MEAS – COMPARATIVE TABLE

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
<i>WTO Members</i>																								
Albania	X	X						X	X					X			X		X					
Angola			X					X	X								X		X					
Antigua and Barbuda				X	X	X		X	X	X	X	X		X			X		X	X				
Argentina	X	X		X	X	X	X	X	X	X	X	X		X			X		X	X				
Armenia								X	X					X			X		X					
Australia	X	X		X	X	X	X	X	X	X	X	X		X			X		X		X	X		
Austria	X			X	X	X		X	X	X	X	X		X	X		X	X	X	X	X		X	X
Bahrain	X							X	X	X	X	X		X			X		X					
Bangladesh	X	X		X				X	X	X	X	X		X			X		X	X				
Barbados	X	X	X	X	X	X		X	X	X	X	X	X	X			X	X	X	X		X		
Belgium	X			X	X	X	X	X	X	X	X			X			X		X	X	X		X	
Belize	X			X	X	X		X	X	X	X			X			X		X					
Benin				X				X	X	X	X			X			X		X	X				
Bolivia	X			X		X		X	X	X	X	X		X			X	X	X	X	X			
Botswana				X	X	X		X	X	X	X			X			X	X	X					X
Brazil	X		X	X	X	X	X	X	X	X	X			X			X		X	X	X	X		

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Brunei Darussalam				X	X	X		X	X					X	X									
Bulgaria	X			X	X		X	X	X	X	X	X	X	X	X		X	X	X	X			X	
Burkina Faso	X			X	X	X		X	X	X	X	X	X	X			X		X				X	
Burundi				X	X			X	X	X	X	X	X	X			X		X	X				
Cameroon				X				X	X	X	X			X			X	X	X	X	X		X	
Canada	X	X	X	X	X	X	X	X	X	X	X	X	X	X			X		X	X	X	X	X	X
Central African Republic				X				X	X								X		X		X			
Chad				X	X			X	X	X	X	X					X		X					
Chile	X			X	X	X	X	X	X	X	X	X	X	X			X		X	X				
China			X	X	X	X		X	X	X				X	X		X		X	X	X			
Colombia	X			X				X	X	X	X			X			X		X	X	X			
Congo				X		X		X	X	X	X	X	X				X		X		X			
Costa Rica	X	X		X				X	X	X	X			X			X		X	X		X		
Côte d'Ivoire			X	X	X			X	X	X				X			X		X		X			
Croatia	X	X	X	X	X	X		X	X	X	X	X	X	X			X	X	X					
Cuba	X	X		X	X			X	X	X	X			X			X	X	X	X				
Cyprus	X	X	X	X	X	X		X	X	X				X	X		X		X	X		X		
Czech Republic	X	X		X	X			X	X	X	X	X	X	X	X		X	X	X	X			X	X

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Democratic Republic of the Congo				X				X	X	X	X			X			X		X		X			
Denmark	X	X		X	X	X		X	X	X	X			X	X		X	X	X	X	X			
Djibouti				X	X			X	X	X	X	X		X			X	X	X	X				
Dominica				X	X			X	X	X				X			X		X					
Dominican Republic	X			X				X	X	X	X			X			X		X	X				
Ecuador	X			X	X			X	X	X	X			X	X		X	X	X	X	X			
Egypt	X			X	X			X	X	X	X	X		X			X		X		X			
El Salvador	X			X	X			X	X	X	X	X		X			X		X	X			X	
Estonia	X	X		X	X	X		X	X	X	X			X	X		X		X	X				
European Communities			X				X	X	X	X	X	X	X	X	X		X	X	X	X	X		X	
Fiji				X	X	X		X	X	X	X						X	X	X	X	X	X		X
Finland	X			X	X	X	X	X	X	X	X	X	X	X	X		X		X	X	X			X
Former Yugoslav Republic of Macedonia (FYROM)				X	X			X	X	X	X	X	X	X			X		X					
France	X		X	X	X	X	X	X	X	X	X			X			X	X	X	X	X			
Gabon			X	X	X			X	X	X	X	X	X				X		X		X			
Gambia				X				X	X	X				X	X		X		X	X			X	
Georgia				X	X			X	X	X	X	X		X			X		X	X				

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Germany	X			X	X	X	X	X	X	X	X	X	X	X	X		X		X	X	X		X	X
Ghana	X		X	X		X		X	X	X	X						X		X		X			
Greece	X			X	X	X	X	X	X	X	X			X			X		X	X	X			
Grenada	X			X	X	X		X	X	X	X	X					X		X	X				
Guatemala	X			X				X	X	X	X	X	X	X			X		X	X	X			
Guinea	X		X	X				X	X	X				X			X		X	X			X	
Guinea-Bissau				X	X			X	X	X	X	X	X				X		X					
Guyana	X			X	X			X	X	X	X	X		X			X		X		X			
Haiti	X							X	X	X	X	X					X		X					
Honduras			X	X				X	X	X	X			X			X		X	X	X			
Hong Kong, China																								
Hungary	X	X		X				X	X	X	X	X	X	X		X	X		X	X			X	
Iceland			X	X	X	X		X	X	X	X	X		X		X	X		X	X		X		X
India	X			X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X			
Indonesia	X			X	X			X	X	X	X			X		X	X		X		X			
Ireland	X			X	X	X		X	X	X	X			X		X	X		X	X	X			
Israel	X			X				X	X	X	X			X		X	X		X					
Italy	X			X	X	X	X	X	X	X	X	X		X		X	X		X	X	X		X	
Jamaica	X			X	X			X	X	X	X			X		X	X		X	X			X	
Japan	X		X	X	X		X	X	X	X	X	X	X	X		X	X		X	X	X			X
Jordan	X	X		X	X			X	X	X	X	X	X	X		X	X		X	X			X	

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Kenya	X			X	X	X		X	X	X	X	X		X		X	X	X	X					
Korea, Republic of	X	X	X	X	X		X	X	X	X	X	X		X			X		X	X	X			
Kuwait				X	X			X	X	X	X			X		X	X		X					
Kyrgyz Republic								X	X					X			X		X				X	
Latvia				X	X			X	X	X	X	X		X			X		X	X				
Lesotho								X	X					X			X	X	X	X				X
Liechtenstein				X	X	X		X	X	X	X			X			X		X					
Lithuania	X	X		X	X			X	X	X	X			X			X		X	X				
Luxembourg	X			X	X	X		X	X	X	X	X	X	X	X		X	X	X	X	X		X	X
Macao, China																								
Madagascar				X	X			X	X	X	X	X	X	X			X		X					
Malawi	X			X		X		X	X	X	X			X			X		X	X				
Malaysia	X			X				X	X	X	X	X	X	X	X		X		X	X	X		X	
Maldives								X	X	X	X	X	X	X			X	X	X	X		X		
Mali	X			X	X	X		X	X	X	X	X		X			X	X	X	X				
Malta	X			X	X			X	X	X				X			X		X	X		X		
Mauritania	X	X		X	X			X	X					X			X		X					
Mauritius	X	X		X	X	X		X	X	X	X	X	X	X			X	X	X	X		X		
Mexico	X	X	X	X	X			X	X	X	X			X			X	X	X	X				X
Moldova	X	X		X	X			X	X	X	X			X			X	X	X					

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Mongolia				X	X			X	X	X	X	X		X			X		X	X			X	
Morocco	X	X	X	X	X	X		X	X	X	X			X			X		X	X				
Mozambique				X				X	X	X	X			X			X	X	X					
Myanmar				X	X			X	X	X							X		X		X			
Namibia			X	X	X		X	X	X	X				X			X		X			X		
Netherlands	X	X		X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X		X	X
New Zealand	X	X		X	X	X	X	X	X	X	X	X	X	X			X		X	X	X	X		
Nicaragua	X			X				X	X	X	X			X			X	X	X	X				
Niger	X			X	X	X		X	X	X	X	X		X			X		X					
Nigeria	X			X	X			X	X	X	X	X		X			X		X				X	
Norway	X	X		X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X	X	X	X
Oman	X	X						X	X	X	X			X			X	X	X				X	
Pakistan	X			X	X			X	X	X	X			X			X		X					
Panama	X		X	X	X			X	X	X	X	X	X	X	X		X	X	X	X	X		X	X
Papua New Guinea	X	X		X	X			X	X	X				X			X		X	X	X	X		
Paraguay	X			X	X	X		X	X	X	X	X		X	X		X		X	X				
Peru	X	X		X	X	X	X	X	X	X	X			X			X		X	X	X			
Philippines	X			X		X		X	X	X	X			X			X		X		X			
Poland	X			X	X		X	X	X	X	X	X		X	X		X		X	X				
Portugal	X			X		X		X	X	X	X			X	X		X		X	X	X			



Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Qatar				X	X			X	X	X	X			X	X		X		X					
Romania	X	X		X	X			X	X	X	X	X		X	X		X		X	X				
Rwanda				X	X	X		X	X								X		X					X
Saint Kitts and Nevis	X			X	X	X		X	X	X	X	X		X			X	X	X					
Saint Lucia	X			X	X	X		X	X	X	X	X	X	X	X		X		X			X		X
Saint Vincent and the Grenadines	X	X		X	X			X	X	X	X			X			X		X					
Senegal	X	X		X	X	X		X	X	X	X	X		X			X		X	X		X	X	
Sierra Leone	X	X		X	X			X	X	X	X	X	X				X		X					
Singapore				X				X	X	X	X	X		X			X		X					
Slovak Republic				X	X	X		X	X	X	X	X	X	X	X		X		X	X				
Slovenia	X	X		X	X	X		X	X	X	X	X	X	X			X	X	X	X			X	X
Solomon Islands	X							X	X	X	X	X					X		X	X		X		
South Africa	X		X	X	X		X	X	X	X	X			X			X		X	X			X	X
Spain	X	X		X		X	X	X	X	X	X	X	X	X	X		X	X	X	X	X			
Sri Lanka	X			X		X		X	X	X	X	X	X	X	X		X		X	X		X		
Suriname	X			X	X			X	X								X		X		X		X	
Swaziland				X	X			X	X								X		X					
Sweden	X	X		X	X	X	X	X	X	X	X	X	X	X	X		X	X	X	X	X			X

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Switzerland	X			X	X	X		X	X	X	X	X	X	X	X		X	X	X		X		X	
Chinese Taipei																								
Tanzania				X				X	X	X	X	X	X	X	X		X		X	X			X	
Thailand	X			X				X	X	X	X			X					X	X	X		X	
Togo	X			X	X	X		X	X	X	X	X	X				X		X		X			
Trinidad and Tobago	X		X	X	X	X		X	X	X	X	X		X	X		X	X	X	X	X			X
Tunisia	X	X	X	X	X			X	X	X	X	X		X	X		X	X	X	X				
Turkey	X			X	X			X	X	X	X			X			X							
Uganda				X	X	X		X	X	X	X	X		X			X	X	X	X				
United Arab Emirates	X			X	X			X	X					X			X		X			X	X	X
United Kingdom of Great Britain and Northern Ireland	X		X	X	X	X	X	X	X	X	X	X	X	X	X		X		X	X	X	X		
United States of America	X	X	X	X	X		X	X	X	X	X								X		X	X		
Uruguay	X	X	X	X	X	X	X	X	X	X	X	X		X	X		X		X	X		X	X	
Venezuela	X		X	X		X		X	X	X	X	X		X			X	X	X		X			
Zambia	X			X				X	X	X				X			X		X					

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Zimbabwe				X	X	X		X	X	X	X						X		X					
Total Number of WTO Members party to the MEA	99	38	28	132	102	63	28	143	143	131	120	76	40	124	34	12	140	39	141	86	54	22	34	22
<i>Non-WTO Members</i>																								
Afghanistan				X													X		X					
Algeria	X	X	X	X				X	X	X	X			X			X		X					
Andorra														X	X									
Azerbaijan	X	X		X	X			X	X	X	X	X		X			X		X	X				
Bahamas	X			X				X	X	X	X			X			X		X	X		X		
Belarus				X	X			X	X	X				X			X	X	X					
Bhutan	X			X	X	X								X			X	X	X	X				
Bosnia and Herzegovina								X	X					X			X		X					
Cambodia	X			X	X			X	X					X			X		X	X	X			
Cape Verde	X		X					X	X	X	X	X		X			X		X					
Comoros				X	X			X	X	X	X	X	X	X			X		X					
Cook Islands																	X		X	X		X		
Democratic People's Republic of Korea								X	X	X	X	X	X				X		X					X

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Equatorial Guinea	X		X	X	X			X						X			X		X	X			X	
Eritrea	X	X		X	X	X											X		X					
Ethiopia	X			X	X			X	X					X			X		X				X	X
Iran	X			X	X			X	X	X	X	X		X			X		X			X		
Iraq	X																							
Kazakhstan				X	X			X	X	X							X		X					
Kiribati								X	X					X			X		X	X				
Lao People's Democratic Republic	X							X	X								X		X	X				
Lebanon	X	X						X	X	X	X	X		X			X		X					X
Liberia	X			X				X	X	X	X						X	X	X	X	X			X
Libyan Arab Jamahiriya	X		X	X	X			X	X	X				X			X		X				X	
Marshall Islands								X	X	X	X	X		X			X	X	X			X	X	X
Micronesia								X	X	X	X	X	X	X			X		X	X		X		
Monaco				X	X	X		X	X	X	X	X	X	X		X	X		X			X		
Nauru								X	X					X			X	X	X	X		X		X
Nepal				X	X			X	X	X				X			X		X		X			
Niue																	X	X	X	X				
Palau								X	X	X	X	X	X				X		X	X				

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Russian Federation	X	X	X	X	X		X	X	X	X				X			X		X			X		
Samoa								X	X	X	X	X	X	X			X	X	X	X		X	X	X
San Merino																	X		X					
Sao Tome and Principe			X	X	X			X	X	X	X	X	X				X		X					
Saudi Arabia	X	X		X	X			X	X	X	X			X			X		X				X	
Serbia and Montenegro	X			X	X			X	X					X	X		X		X					
Seychelles	X			X	X	X		X	X	X	X	X	X	X			X		X	X		X		
Somalia				X				X	X	X	X	X	X											
Sudan	X			X				X	X	X	X						X		X					
Syrian Arab Republic								X	X	X	X	X		X			X		X					
Tajikistan								X	X	X							X		X					
Tonga								X	X								X		X			X		
Turkmenistan								X	X	X				X			X		X	X				
Tuvalu								X	X	X	X	X					X		X	X				
Ukraine				X	X		X	X	X	X	X			X			X	X	X			X	X	
Uzbekistan				X	X	X		X	X	X	X			X			X		X	X				
Vanuatu			X	X	X		X	X	X	X	X						X		X	X	X			
Vietnam				X	X			X	X	X	X			X			X		X	X				X

Parties	IPPC, 1979	IPPC, 1997	ICCAT	CITES	CITES, Bonn amendment	CITES, Gaborone amendment	CCAMLR	Vienna Convention	Montreal Protocol (MP)	MP - London Amendment	MP - Copenhagen Amendment	MP - Montreal Amendment	MP - Beijing Amendment	Basel Convention	Basel Convention Ban Amendment	Basel Convention Protocol on Liability	CBD	Biosafety Protocol	UNFCCC	Kyoto Protocol	ITTA	UN Fish Stocks Agreement	Rotterdam Convention	Stockholm Convention
Yemen	X			X	X			X	X	X	X	X		X			X		X					
Total Number of MEA Members	120	44	35	161	125	68	31	185	184	164	146	93	49	156	36	13	187	47	188	106	57	34	41	30

## ANNEX 2 – LIST OF MEAS CONTAINING POTENTIAL TRADE MEASURES

36. The following list has been compiled from a UNEP document which enumerates all "International Treaties and Other Agreements in the Field of the Environment", of which there are 238.<sup>3</sup> This list covers those international treaties that contain trade-related measures, or whose Parties have adopted trade provisions in Resolutions or Conservation Measures in furtherance of the objectives of the Agreement. Also included in the list are Agreements which do not contain trade measures as such, but do contain provisions that may have possible consequences for trade during their implementation by Parties. This Annex revises WT/CTE/W/160 and updates previous documents, including a GATT document issued in 1992 that listed MEAs which contained trade measures as of mid-1991<sup>4</sup> and a document issued in 1994 for the Sub-Committee on Trade and Environment.<sup>5</sup>

37. Some of the Agreements listed are regional Agreements that are open to Members from a regional group<sup>6</sup> while other Agreements cover specific species that are limited to a region.<sup>7</sup> Agreements that are included in the Matrix are marked in bold. Agreements that are not yet in force are marked with an asterisk\*.

- Convention Relative to the Preservation of Fauna and Flora in their Natural State, 1933, which was superseded by the African Convention on the Conservation of Nature and Natural Resources, 1968;
- Convention on Nature Protection and Wild Life Preservation in the Western Hemisphere, 1940;<sup>8</sup>
- International Convention for the Protection of Birds, 1950;
- **International Plant Protection Convention, 1951;**
- Plant Protection Agreement for the South-East Asia and Pacific Region, 1956;
- Agreement Concerning the Cooperation in the Quarantine of Plants and their Protection against Pests and Diseases, 1959;<sup>9</sup>
- **International Commission for the Conservation of Atlantic Tunas (ICCAT), 1966;<sup>10</sup>**

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<sup>3</sup> UNEP (1999), *Register of International Treaties and Other Agreements in the Field of Environment*, Nairobi. For ease of reference, the agreements that have been deposited with the UN Secretary-General can be found at: <http://untreaty.un.org/ENGLISH/bible/englishinternetbible/partI/chapterXXVII/chapterXXVII.asp> and at: <http://sedac.ciesin.org/pidb/guides/guide-hp.html>, which provides an overview of treaties including information on the negotiation, structure, and status of legal instruments in the environmental context.

<sup>4</sup> Appendix I of GATT *International Trade 1990-91*, (Volume 1, pages 45-47).

<sup>5</sup> PC/SCTE/W/3, 13 October 1994.

<sup>6</sup> For example the Phyto-Sanitary Convention for Africa, 1967 is open to Members of the Organization for African Unity or the Benelux Convention Concerning Hunting and the Protection of Birds, 1970, which is open to the three Benelux Member States.

<sup>7</sup> Convention for the Conservation and Management of the Vicuña, 1979, and Agreement on the Conservation of Polar Bear, 1973.

<sup>8</sup> Article 9 of the Agreement, which contains trade-related measures, is *de facto* superseded by CITES.

<sup>9</sup> This Agreement was administered by the Council for Mutual Economic Assistance, which no longer exists. The status of this Agreement is therefore unclear.

- Phyto-Sanitary Convention for Africa, 1967;
- African Convention on the Conservation of Natural Resources, 1968;
- European Convention for the Protection of Animals during International Transport, 1968;
- Benelux Convention Concerning Hunting and the Protection of Birds, 1970;
- Agreement on the Conservation of Polar Bear, 1973;<sup>11</sup>
- **Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES), 1973;**
- Convention on Future Multilateral Cooperation in the North-West Atlantic Fisheries, 1978;
- Convention for the Conservation and Management of the Vicuña, 1979;<sup>12</sup>
- **Convention on the Conservation of Antarctic Marine Living Resources (CCAMLR), 1980;**
- \*ASEAN Agreement on the Conservation of Nature and Natural Resources, 1985;
- **Montreal Protocol on Substances that Deplete the Ozone Layer, 1987 and its amendments;**
- Wellington Convention for the Prohibition of Fishing with Long Drift Nets in the South Pacific, 1989;
- **Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, 1989;**<sup>13</sup>
  - Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, 1991;
  - Regional Agreement on the Transboundary Movement of Hazardous Wastes, 1992;
  - \*Convention to Ban the Importation into Forum Island Countries of Hazardous and Radioactive Wastes and to Control the Transboundary Movement and Management of Hazardous Wastes within the South Pacific Region, 1995 (Waigani Convention);
  - \*Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal, 1996 (Izmir Protocol).

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<sup>10</sup> The Convention does not contain trade measures, but trade-related measures have been adopted in conservation measures which are binding on Contracting Parties.

<sup>11</sup> The polar bear has been included in Appendix II of CITES.

<sup>12</sup> The vicuña has been included in Appendix II of CITES.

<sup>13</sup> The four agreements with bullet points are regional agreements relevant to articles of the Basel convention that allow for the establishment of regional agreements that may be equal to, or stronger than the provisions of the Basel Convention.



- Protocol Concerning Specially Protected Areas and Wildlife to the Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region (Protocol of the Cartagena Convention), 1990;
  - **Convention on Biological Diversity, 1992, and the \*Cartagena Protocol on Biosafety, 2000;**
  - **United Nations Framework Convention on Climate Change (UNFCCC), 1992 and the \*Kyoto Protocol, 1997;**
  - Convention for the Conservation of Southern Bluefin Tuna, 1993;
  - **International Tropical Timber Agreement (ITTA), 1994;**
  - **United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks: Agreement for the Implementation of the Provisions of the United Nations Convention of the Law of the Sea of 10 December 1982, Relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UN Fish Stocks Agreement), 1995;**
  - **\*Rotterdam Convention on the Prior Informed Consent Procedure (PIC) for Certain Hazardous Chemicals and Pesticides in International Trade, 1998; and**
  - **\*Stockholm Convention on Persistent Organic Pollutants (POPs), 2001.**
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