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GOVERNING COUNCIL
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Item 7 of the provisional agenda

PROGRAMME MATTERS REQUIRING GUIDANCE FROM THE GOVERNING COUNCIL AND IMPLEMENTATION OF PROGRAMME DECISIONS OF THE COUNCIL

Report of the Executive Director

Addendum

DEVELOPMENTS 1 JANUARY - 31 MARCH 1984

Summary

This document covers those programme matters which, in the opinion of the Executive Director, require the policy guidance or views of the Governing Council, and also reports on the implementation of decisions for the period from 1 January to 31 March 1984 which require reporting to the Council at its twelfth session, as requested by the Council in decision 11/7, Part nine.

Suggested action by the Governing Council

The suggested action by the Governing Council is presented at the end of each section of the present report.

I. IMPLEMENTATION OF PROGRAMME DECISIONS OF THE COUNCIL

Decision 11/7: Programme matters

Part two: Environment and development

Section B: Environmental law

1. Protection of the ozone layer

1. Following an invitation from, and with the support of, the Government of Austria, the second part of the third session of the Ad Hoc Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer was held in Vienna from 16 to 20 January 1984, with experts from 35 countries (including 12 developing countries) and four international organizations participating. The meeting produced the fourth revised draft convention for the protection of the ozone layer, with two technical annexes (UNEP/WG.94/11), and a second revised draft protocol concerning measures to control, limit and reduce the emissions of chlorofluorocarbons for the protection of the ozone layer (UNEP/WG.94/12). These revised drafts were circulated to all Governments on 5 March 1984 with a request for comments by 30 April 1984, and are reproduced in annex I to the present report.

2. The Working Group also recommended to the Executive Director that:

(a) The next meeting of the Working Group should be convened later in 1984 to complete its work;

(b) The revised draft texts resulting from the second part of the third session should be transmitted to all States, with an introductory note and a request for comments; they should also be distributed as part of the documentation for the twelfth session of the UNEP Governing Council;

(c) The Governing Council should be requested:

(i) To advise the Executive Director on further action regarding the draft texts;

(ii) To make the necessary administrative and financial provision for the interim period until the completion of the first ordinary meeting of the Conference of the Contracting Parties;

(d) Without prejudice to the above-mentioned arrangements, the considered views of the Executive Council of the World Meteorological Organization on the possible execution of the permanent secretariat functions envisaged under the convention, as well as on the financial implications of such execution, should be solicited;

(e) An appropriate body such as the Co-ordinating Committee on the Ozone Layer should be requested:

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- (i) To stimulate the research required for a thorough evaluation, as soon as possible, of the substances listed in annex I of the draft convention in respect of their effects in modifying the ozone layer, separately and in interaction with each other, and to submit a report on the current state of scientific knowledge and further research needs;
- (ii) To study and report on recent assessments of the state of knowledge on the ozone layer, in order to ensure that new scientific information is taken into account in the development of possible further protocols under the convention.

Suggested action by the Governing Council

3. The Council may wish to:

Note the progress made in the implementation of decision 11/7, Part two, section B.I;

Request the Executive Director to prepare a conference of plenipotentiaries for the adoption of the draft convention and possibly the draft protocol, and to make the necessary administrative and financial provisions for the interim period until the completion of the first ordinary meeting of the Conference of Contracting Parties.

In advising the Executive Director on how to resolve the remaining points of difference in the draft texts, the Governing Council may wish to decide on one of the following three options:

Request the Executive Director to convene a further meeting of the Ad Hoc Working Group of Legal and Technical Experts for the Elaboration of a Global Framework Convention for the Protection of the Ozone Layer, in conjunction with the next meeting of the Co-ordinating Committee on the Ozone Layer (tentatively scheduled to be held in Nairobi from 9 to 12 October 1984), with a view to finalizing the draft texts for consideration by the Governing Council at its thirteenth session and subsequent submission to a conference of plenipotentiaries;

or

Consider and resolve the remaining points of difference at the present twelfth session of the Governing Council, with a view to finalizing the draft texts for subsequent submission to a conference of plenipotentiaries;

or

Request the Executive Director to convene a further meeting of the Ad Hoc Working Group for this purpose in conjunction with the Co-ordinating Committee on the Ozone Layer, to be followed by a conference of plenipotentiaries.

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2. Other topics of the Montevideo programme for the development and periodic review of environmental law

4. Following an invitation from and with the support of the Government of the Federal Republic of Germany, the first session of the Ad Hoc Working Group of Experts on Environmentally Sound Management of Hazardous Wastes was held in Munich from 28 February to 5 March 1984, with experts from 18 countries (including eight developing countries) and 10 international organizations participating. The report of the meeting is available as document UNEP/WG.95/5. The Ad Hoc Working Group recommended to the Executive Director that for the Group's second session, the secretariat should prepare a survey of ongoing activities and programmes of international organizations relevant to the management of hazardous wastes, and revise the draft guidelines in light of the comments made during the session. The second session of the Working Group is tentatively scheduled to be held in Geneva from 10 to 14 December 1984; invitations and meeting documents are scheduled to be sent to Governments by 1 October 1984.

5. Following an invitation from and with the support of the Government of the Netherlands, the first session of the Ad Hoc Working Group of Experts for the Exchange of Information on Potentially Harmful Chemicals (in particular pesticides) in International Trade was held in Noordwijkerhout from 26 to 30 March 1984, with experts from 27 countries (including 13 developing countries) and 16 international organizations participating. The report of the meeting, which is available as document UNEP/WG.96/5, contains recommendations to the Executive Director that he:

(a) Continue close consultation and collaboration with other United Nations bodies and specialized agencies in the preparation and further elaboration of the draft guidelines, with a view to avoiding unnecessary duplication of efforts and maintaining the co-ordinating role of UNEP in environmental matters;

(b) Take into account the related work of competent international organizations, including that described in document UNEP/WG.96/3, in order to ensure a consistent and compatible approach in all relevant activities and instruments;

(c) Bring the report of the Working Group to the attention of the other international organizations and bodies concerned;

(d) Ensure the preparation of revised draft guidelines, in the light of the comments and discussions during the first session of the Working Group, and on the basis of those elements on which consensus has been reached;

(e) Make available for the next session of the Working Group a report on national experience with notification procedures and on the possible scope of the terms "banned or severely restricted" and "potentially harmful" as they apply to chemicals;

(f) Submit to the Governing Council for possible adoption at its twelfth session the Provisional Notification Scheme for Banned and Severely Restricted Chemicals (see annex II to the present report), and proposals for related action as follows:

(i) To make full use of the facilities of the International Register of Potentially Toxic Chemicals (IRPTC) in the further elaboration of draft guidelines, and in the implementation of the provisional notification scheme, and to allocate the necessary financial and staff support for this purpose within the UNEP programme and budget;

(ii) Through the International Programme on Chemical Safety (IPCS), to facilitate the provision of technical assistance and training to developing countries, upon their request, for the establishment and functional improvement of national institutions dealing with the exchange of information on potentially harmful chemicals.

6. An updated time-table for the implementation of the Montevideo programme for the development and periodic review of environmental law appears as annex III to the present report.

Suggested action by the Governing Council

7. The Council may wish to:

Note the progress made in the implementation of decision 11/7, Part two, section B. II;

Request the Executive Director to continue the work initiated by the Ad Hoc Working Group of Experts on the Protection of the Marine Environment Against Pollution from Land-Based Sources, the Ad Hoc Working Group of Experts for the Environmentally Sound Management of Hazardous Wastes, and the Ad Hoc Working Group of Experts for the Exchange of Information on Potentially Harmful Chemicals (in Particular Pesticides) in International Trade, in accordance with the recommendations submitted by them;

Call upon Governments to participate actively in the work of these groups, and to consider hosting or funding future sessions of the groups;

Bring the reports of the working groups to the attention of the other international organizations and bodies concerned, and continue close consultation and collaboration with other United Nations bodies and specialized agencies in the preparation and further elaboration of the draft guidelines with a view to avoiding unnecessary duplication of effort and maintaining the co-ordinating role of UNEP in environmental matters;

Adopt the Provisional Notification Scheme for Banned and Severely Restricted Chemicals and call upon all Governments and the Executive Director to take the necessary steps to bring the scheme into effect as soon as possible.

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3. Working Group of Experts on Environmental Law

8. Following an invitation from and with the support of the Government of the United States of America, the Working Group of Experts on Environmental Law will hold its first meeting on principles and guidelines with regard to environmental impact assessment in Washington, D.C., from 26 to 29 June 1984. An advisory panel met in New York on 22 and 23 March 1984 to review the meeting documents, which are scheduled to be sent to all Governments by 14 May 1984.

9. The Working Group of Experts on Environmental Law was originally constituted under decision 91 (V) of 25 May 1977, comprising Government-nominated experts selected on the basis of equitable geographical distribution and of expressed interest. The previous eight sessions of the Working Group held from 1977 to 1981, which dealt with legal aspects concerning the environment related to off-shore mining and drilling within the limits of national jurisdiction, were attended by Government-nominated experts from Argentina, Australia, Brazil, Canada, Colombia, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, India, Iraq, Jamaica, Japan, Morocco, Netherlands, Norway, Poland, Sudan, Sweden, Switzerland, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela, and by observers from Austria, Chile, Egypt, Indonesia, Italy, Mexico, Nigeria, Tunisia and Zaire and from concerned international organizations.

Suggested action by the Governing Council

10. The Council may wish to:

Welcome the financial support offered by the Government of the United States of America for holding the next session of the Working Group of Experts on Environmental Law on the subject of principles and guidelines with regard to environmental impact assessment;

Call upon Governments to participate actively in the work of the Group, and to consider hosting or funding future sessions of the Group on the above subject.

Part four: Oceans

Section A: Global marine environment: co-operation between UNEP and the Intergovernmental Oceanographic Commission (IOC)

11. High-level consultations were held with IOC in Geneva on 16 and 17 January 1984 to review further co-operation and co-ordination between IOC and UNEP. The result of these consultations is contained in an Aide-mémoire which is available upon request. The participants reconfirmed the intention of the secretariats of each organization to undertake "further co-operation and co-ordination within available resources between the Programme (UNEP) and the Commission (IOC) on projects of mutual interest on a global basis, such as the Regional Seas Programme (RSP), the Programme for the Global Investigation of Pollution in the Marine Environment (GIPME) and the Marine Pollution Monitoring System (MARPOLMON)", as called for by the Governing Council.

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Suggested action by the Governing Council

12. This is contained in document UNEP/GC.12/12, annex, section L.

Section B: Expansion and implementation of the regional seas programme

13. The five States (Bangladesh, India, Maldives, Pakistan and Sri Lanka) represented at meeting of national focal points for the development of an action plan for the protection and management of the South Asian Seas region (Bangkok, 19-21 March 1984) committed themselves to the formulation of an action plan for the South Asian Seas region and co-operation in its implementation. ESCAP, UNESCO, IOC, WHO, IMO, IUCN and WTO expressed their willingness to co-operate with and assist UNEP and States of the region in developing and implementing the action plan.

14. The meeting defined the geographical scope of the Action Plan as the marine and related coastal environment of Bangladesh, India, Maldives, Pakistan and Sri Lanka. It also defined protection and management of the marine environment and related coastal ecosystems and promotion of environmental awareness as the major objectives of the action plan, and identified the following eight priority areas of urgent concern which should be dealt with by the plan:

(a) Environmental assessment (pollution from human settlements, oil pollution from coastal and maritime sources, pollution from agricultural activities, pollution from industrial sources);

(b) Environmental management (coastal zone management, marine ecosystems management);

(c) Conservation (endangered and threatened species, marine parks, reserves and sanctuaries);

(d) Environmental aspects of renewable sources of energy from the sea;

(e) Information exchange (data banks, clearing house);

(f) Education, training and development of human resources;

(g) Promotion of environmental awareness;

(h) Consideration of essential legislative aspects relevant to the action plan.

15. The meeting requested that its results be brought to the attention of the Governing Council with a request for adequate financial support to complete the preparatory phase of the action plan. The full report of the meeting is available on request in English only.

Suggested action by Governing the Council

16. The Council may wish to:

Note the progress made in the implementation of the decision 11/7, Part four, section B;

Request the Executive Director to give, within available resources, adequate financial support to complete the preparatory phase of the action plan.

Part six: Terrestrial ecosystems: genetic resources

17. In view of the lack of response on the part of Governments to the Executive Director's letter of 9 August 1983 inviting all member Governments, selected United Nations bodies (FAO/UNESCO) and non-governmental organizations (IBPGR/IUCN) to assist in implementing this decision, and requesting by the end of December 1983 information on their current and planned activities in this field, a reminder was sent on 2 February 1984. As of 30 March 1984, 30 additional Governments had submitted responses. Of these, three acknowledged receipt of the Executive Director's letter and promised to send information at a later date. Most of the substantive responses received do not provide information on in situ conservation per se. The main mechanism for achieving in situ conservation of endangered animal and plant genetic resources is legislation and regulations relating to the establishment of nature reserves, national parks and protected areas. Some countries co-operate in this respect with UNESCO's MAB Programme, IUCN or other international organizations, and a few have prepared resource inventories or lists of endangered animals and plants. Few countries have undertaken the preparation of national strategies or guidelines to meet in situ conservation requirements. Many developing countries appear to lack the knowledge and guidance required to include ecosystems conservation in national development policies and programmes.

18. On 23 November 1983, the Twenty-second FAO Conference adopted the International Undertaking on Plant Genetic Resources, for the development of an internationally co-ordinated network of national, regional and international centres to hold, for the benefit of the international community and of future generations, collections of genetic resources of important plant species. Governments are asked to collect in their own territories all valuable plant genetic resources that are in danger of becoming extinct, and to maintain or to develop and adopt legislative measures to protect and preserve such resources in their natural habitat, or if necessary in gene banks or living collections. Governments and institutions having placed such resources under their control should allow unrestricted access to samples of such resources by others for scientific and breeding purposes.

19. The Undertaking also aims at strengthening the capabilities of developing countries to survey and safeguard their own resources, to breed improved crop varieties and to develop their infrastructures in seed production and distribution. A Commission on Plant Genetic Resources was established by the FAO Council on 24 November 1983 to keep under review the further development of international co-operation in the exploration, collection, conservation, documentation, availability and use of plant genetic resources.

Suggested action by the Governing Council

20. The Council may wish to:

Welcome the adoption of the International Undertaking on Plant Genetic Resources by the Twenty-second Conference of the Food and Agriculture Organization of the United Nations;

Urge Governments which have not yet done so to adhere to the Undertaking, and to support and participate in the international arrangements outlined therein;

Authorize the Executive Director to establish close and active co-operation with the FAO Commission on Plant Genetic Resources with regard to the implementation of the Undertaking.

II. PROGRAMME MATTERS REQUIRING GUIDANCE
FROM THE GOVERNING COUNCIL

International Tropical Timber Agreement, 1983

21. On 18 November 1983, the United Nations Conference on Tropical Timber, in which UNEP actively participated, adopted the International Tropical Timber Agreement 1983. The Agreement has been open for signature at United Nations Headquarters from 2 January 1984. Negotiated under the auspices of the UNCTAD Integrated Programme for Commodities, it seeks to provide an effective framework for co-operation and consultation on matters relating to tropical forests. The major objectives are to promote research and development aimed at improving market management and wood utilization, to improve market intelligence, to encourage increased and further processing of tropical timber in producing member countries, to encourage reforestation and forest management activities, to improve marketing and distribution of tropical forest exports of producing members and to encourage national policies aimed at sustainable utilization and conservation of tropical forests and their genetic resources and at maintaining the ecological balance in the regions concerned. The Agreement empowers the Council of the proposed intergovernmental International Tropical Timber Organization to make appropriate arrangements for consultation and co-operation with the United Nations and its organs, specifically mentioning UNEP. The Executive Director intends to follow these developments closely and to establish close working relations with the International Tropical Timber Organization.

Suggested action by the Governing Council

22. The Council may wish to:

Welcome the adoption of the International Tropical Timber Agreement, 1983 by the United Nations Conference on Tropical Timber;

Urge Governments which have not yet done so to deposit their signature and ratification of the Agreement to enable it to enter into force on the appointed date of 1 October 1984;

Authorize the Executive Director to establish close and active co-operation with the International Tropical Timber Organization.

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Annex II

PROVISIONAL NOTIFICATION SCHEME FOR BANNED AND SEVERELY RESTRICTED CHEMICALS
AS RECOMMENDED BY THE AD HOC WORKING GROUP OF EXPERTS FOR THE EXCHANGE
OF INFORMATION ON POTENTIALLY HARMFUL CHEMICALS (IN PARTICULAR
PESTICIDES) IN INTERNATIONAL TRADE, AT ITS FIRST SESSION
(NOORDWIJKERHOUT, NETHERLANDS) 26-30 MARCH 1984 */

1. Introduction

In considering global guidelines for the exchange of information on potentially harmful chemicals in international trade, and without prejudice to the outcome of discussions on the question of the shared responsibility of exporting and importing countries for the protection of human health and the environment from risks associated with such chemicals, exporting countries should provide information to assist importing countries in making timely and informed decisions. The purpose of the present provisional notification scheme is to provide experience which would assist the Ad Hoc Working Group in its future work.

2. Definition

For purposes of the present provisional notification scheme, a banned or severely restricted chemical includes any chemical that is the subject of a control action taken by a competent authority in the country of export:

- (a) To ban or severely restrict the use or handling of the chemical in order to protect human health or the environment domestically; or
- (b) To refuse a required authorization for a proposed first-time use of the chemical based upon a decision in the country of export that such use would endanger human health or the environment.

3. Notification of control action

(a) When a country has taken control action to ban or severely restrict a chemical, it should notify, directly or indirectly, the designated national authorities in other countries of the action it has taken.

(b) The purpose of the notification regarding control action is to give competent authorities in other countries the opportunity to assess the risks associated with the chemical, and to make timely and informed decisions thereon taking into account local environmental, public health, economic and administrative conditions.

*/ Report of the first session, UNEP/WG.96/5, Recommendation B (c) and Annex.

(c) The minimum information to be provided for this purpose should be:

- (i) The chemical identification/specification of the chemical;
- (ii) A summary of the control action taken and of the reasons for it. If the control action bans or restricts certain uses but allows other uses, such information should be included;
- (iii) The fact that additional information is available, and the indication of the contact point in the country of export to which a request for further information should be addressed.

4. Information regarding export

(a) If an export of a banned or severely restricted chemical occurs, the country of export should ensure that necessary steps are taken to provide the designated national authority of the country of import with relevant information.

(b) The purpose of information regarding exports is to remind the country of import of the original notification regarding control action and to alert it to the fact that an export is expected or about to occur.

(c) The minimum information to be provided for this purpose should be:

- (i) A copy of, or reference to, the information provided at the time of the notification of control action;
- (ii) Indication that an export of the chemical concerned is expected or about to occur.

5. Channels of notification

(a) Notification should normally be addressed to the national authority designated for this purpose in the country of import, with a copy or a summary to the International Register of Potentially Toxic Chemicals (IRPTC). IRPTC should forward to the United Nations Secretariat the information contained in such notifications;

(b) Alternatively, notifications may be addressed to IRPTC for transmission to designated national authorities;

(c) Countries should as soon as possible make available to IRPTC the name and address of their designated national authority. IRPTC in turn should prepare a consolidated list of designated national authorities and circulate it to all such authorities.

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6. Timing of notification and information

(a) Notification of control action should be provided as soon as practicable after the control action is taken. For chemicals banned or severely restricted before the implementation of the present provisional notification scheme, an inventory of prior control action should be provided to IRPTC, unless such information has already been provided;

(b) Provision of information regarding exports should take place at the time of the first export following the control action, and should recur in the case of any significant development of new information or condition surrounding the control action. It is the intention that, in so far as possible, the information should be provided prior to export, but it is recognized that this may not always be possible, and that the procedures of the country of export should not be such as to delay or control the export.

7. Feedback

Designated national authorities of importing countries should provide to IRPTC, for consideration at future sessions of the Ad Hoc Working Group authorized by the Governing Council, a summary of action taken as a result of notifications on banned or severely restricted chemicals, and information on any difficulties which they have experienced in using the present provisional notification scheme.

Annex III

REVISED TIMETABLE FOR FOLLOW-UP TO THE AD HOC MEETING OF SENIOR
GOVERNMENT OFFICIALS EXPERT IN ENVIRONMENTAL LAW - PHASE I
PROJECT FP/2105-82-02 (2382)/REVISION NO. 5)

The 1984-1985 timetable given below describes actual and planned project activities under project FP/2105-82-02, subject to availability of funds and approval by the Governing Council.

(a) Marine pollution from land-based sources

September 1984	Second session of <u>Ad Hoc</u> Working Group
April 1985	Third session of <u>Ad Hoc</u> Working Group
May 1985	Progress report to Governing Council

(b) Environmentally sound management of hazardous wastes

December 1984	Second session of <u>Ad Hoc</u> Working Group
May 1985	Progress report to Governing Council

(c) Exchange of information on potentially harmful chemicals (in particular pesticides) in international trade

February/March 1985	Second session of <u>Ad Hoc</u> Working Group
May 1985	Progress report to Governing Council

(d) Environmental impact assessment

June 1984	First session of Working Group
January 1985	Second session of Working Group
May 1985	Progress report to Governing Council

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(e) Protection of rivers and other inland waters against pollution

September 1984 . Consultant report on legal aspects of environmental protection for African water basins

October/November 1984 Interagency consultations

May 1985 Progress report to Governing Council

(f) International co-operation in environmental emergencies and soil conservation

May/June 1984 Interagency consultations

May 1985 Progress report to Governing Council