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THE ENVIRONMENT PROGRAMME

Report of the Executive Director

Addendum

Document UNEP/GC.7/7 describes developments in the programme up to 31 January 1979. This report brings the text up to date by describing important events in the following two months, i.e. 1 February to 31 March 1979.

INTRODUCTION

1. The criterion for inclusion of material in this report is that the matters involved were sufficiently important, for example, in terms of policy development, to warrant updating or correcting the basic text; in other words, if they had occurred before 31 January 1979, they would have been referred to in document UNEP/GC.7/7.

2. The text has been arranged according to the sequence used in document UNEP/GC.7/7, with appropriate chapter, section and sub-section headings. The omission of a particular chapter, section or sub-section does not, of course, mean that there has been no progress in the area concerned; it means that the text of document UNEP/GC.7/7 is not in need of updating or correction.

3. It has not been possible to discuss the draft of this report with members of the United Nations system and other organizations; the information may not, therefore, be complete in every respect.

Chapter I

ENVIRONMENTAL ASSESSMENT

A. EARTHWATCH
(budget line 13)

2. The components of the assessment process

(a) Monitoring: the Global Environmental Monitoring System (GEMS)
(budget sub-line 1301)

4. Figure 3 was not available at the time of printing the addendum and will be circulated as an Information paper during the Governing Council.

(b) Information exchange

(i) INFOTERRA (formerly IRS)
(budget sub-line 1302)

5. The number of participating countries in INFOTERRA has risen from 94 to 96.

6. A new (1979) edition of the International Directory of Sources comprising 7127 sources of environmental information has been published in English, French and Spanish. The Russian edition is being printed (UNEP).

(ii) International Register of Potentially Toxic Chemicals
(budget sub-line 1304)

7. The Earthwatch sub-working group on IRPTC met in Geneva and identified areas where IRPTC and agencies could co-operate.

8. The latest regional distribution is as follows:

	Africa		Asia and the Pacific		Europe and North America		Latin America		West Asia		Total	
	Coun-tries	National corresp.	Coun-tries	National corresp.	Coun-tries	National corresp.	Coun-tries	National corresp.	Coun-tries	National corresp.	Coun-tries	National corresp.
y 78	6	9	7	10	7	9	5	5	3	3	28	36
n. 79	7	11	17	22	14	16	10	10	5	5	53	64
rct 79	9	13	18	32	16	18	14	14	5	5	62	82

3. Outer limits
(budget sub-line 1303)

(b) Assessment of outer limits

9. The World Climate Conference ^{1/} (Geneva 12-23 February 1979) represented a milestone in the international efforts to comprehend natural and man-made climate changes and their impact. The Conference reviewed the state of knowledge and issued a declaration, directed to policy-makers, containing an appeal to all nations "to take full advantage of man's present knowledge of climate, to take steps to improve that knowledge and to foresee and prevent potential man-made changes in climate that might be adverse to the well being of humanity", and embodying recommendations outlining in general terms the actions required in respect of research, data and their application, and impact studies. (WMO, UNEP, agencies). The Conference also approved technical material in support of the World Climate Programme which will be considered by the eighth congress of WMO in May 1979 and recognized the issue of carbon dioxide as one that "deserves most urgent attention of the world community of nations".

^{1/} UNEP/GC/7/7, p. 30 (work plan)

Chapter II

SUBJECT AREAS

A. HUMAN SETTLEMENTS AND HUMAN HEALTH
(budget line 01)

1. Human settlements
(budget sub-lines 0104 and 0106)

10. Consultations between the Executive Director of the Habitat Centre, the Executive Director of UNEP and the Bureaux of the Habitat Commission and of the Governing Council of UNEP were held as scheduled. Their outcome, which is reported in document UNEP/GC.7/11, is consistent with the programme document and the relevant budgetary implications contained therein.

2. Health of people and of the environment
(budget sub-lines 0107 and 0108)

11. A joint FAO/IARC/WHO/USSR/UNEP meeting was recently held in Nairobi to co-ordinate efforts in training of scientists from developing countries in food contamination, zoonotic disease and malaria. The meeting recommended the creation in the USSR of a training and research centre for co-operation with developing countries in food safety evaluation as well as training in management of zoonoses.

12. The report of a WHO mission to India on "Epidemiological Study of Environmental Conditions and Health in Developing Areas" (The Bombay Report), 2/ evaluating the environmental conditions of human populations in some industrial areas in India, was published (WHO).

B. TERRESTRIAL ECOSYSTEMS
(budget lines 11 and 17)

7. Wildlife and protected areas
(budget sub-line 1110)

13. The Conference of the Parties to the Convention of International Trade in Endangered Species of Wild Fauna and Flora held its second meeting (Costa-Rica, 19-30 March 1979), and inter alia resolved to request the Executive Director to establish, with the approval of the Governing Council, a Trust Fund to provide financial support for the aims of the Convention. 3/ The Conference also reviewed and amended the three appendices to the Convention, and decided to hold an extraordinary meeting in June 1979 to amend the Convention. Wildlife trade statistics based on national reports were also reviewed.

2/ FP/0107-78-01; UNEP/FUND/PROJECTS/A.98.

3/ UNEP/GC.7/14/Add.2.

C. ENVIRONMENT AND DEVELOPMENT
(budget line 04)

1. Integrated approach to environment and development, including ecodevelopment

2. Use of natural resources
(budget sub-lines 0404/0406/0407)

14. The Seminar on Alternative Patterns of Development and Lifestyles for the African Region (Addis Ababa, 5-9 March 1979), attended by participants from 25 African countries and a number of experts and observers, adopted a report which was submitted to the ECA Ministerial Conference in Rabat, 19-23 March 1979 (UNEP, ECA). A copy of the report will be available for information at the Governing Council.

15. A paper entitled "Development and environment considerations in preparing an international development strategy for the third United Nations development decade" (E/AC.54/21) was prepared for the fifteenth session of the Committee for Development Planning (26 March to 6 April 1979) (UNEP). A copy of the paper will be available at the Governing Council for information.

4. Industry and environment
(budget sub-line 0408)

16. Representatives of the lead, zinc and cadmium industries recommended steps to be taken to review the environmental aspects of the non-ferrous metals industries (Paris, 14 March 1979) and agreed to prepare a background technical report (UNEP).

17. The second meeting of the Environmental Consultative Committee on the Pulp and Paper Industry (Helsinki, 27-28 March 1979) agreed that the work the Swedish Air and Water Research Institute (IVL) is undertaking for UNEP with the support of SIDA should continue; it also agreed on publication of a handbook on treatment of water pulp and paper mill emissions and effluents, and information exchange and dissemination (UNEP, Finnish Pulp and Paper Research Institute, SIDA, IVL).

18. The first industrial environmental training fellowship on the pulp and paper industry was awarded to an official of the Ministry of Industry, Thailand. The Finnish Pulp and Paper Research Institute will provide the training during April 1979. (UNEP).

19. An analysis of a survey on the utilization of residues of agriculture, fisheries, forestry and related industries was published (FAO).

D. OCEANS
(budget line 05)

2. Regional seas programme
(budget sub-line 0503)

Mediterranean

20. Two more States ratified the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution and the related protocols, thus bringing the total to 13 States plus EEC.

21. The Intergovernmental Review Meeting of Mediterranean Coastal States and First Meeting of the Contracting Parties to the Barcelona Convention (Geneva, 5-10 February 1979) adopted a workplan for activities to be carried out in the 1979-1980 biennium. Major programme components include: extension of the pilot phase of the Mediterranean pollution monitoring and research programme, implementation of the first phase of the Blue Plan, strengthening of the priority actions programme, and further work on various legal instruments. These activities are to be financed by a Mediterranean Regional Trust Fund ^{4/} of \$3.28 million augmented by UNEP contributions of \$1.6 million and contributions in kind and services by the co-operating United Nations organizations.

East Asian seas

22. A preliminary outline of an action plan was prepared after consultations with Government experts and representatives of United Nations organizations in the region (UNEP). As a result the workplan for East Asian seas appearing on pages 110 and 111 of document UNEP/GC.7/7 has been modified as follows:

Objectives	Activities
	<p><u>East Asian Seas</u></p> <p>March 1979. Mission visited the region to discuss possible elements for an action plan (Governments, ASEAN, UNEP, agencies)</p> <p>June 1979. Presentation of draft action plan to ASEAN Sub-Committee on Environment (Governments ASEAN, UNEP)</p> <p>October-November 1979. Mission to the region to discuss revised draft action plan (Governments, ASEAN, UNEP, agencies)</p>

^{4/} UNEP/GC.7/14/Add.1.

Objectives	Activities
	<p data-bbox="692 443 1066 479"><u>East Asian Seas (cont.)</u></p> <p data-bbox="692 510 1437 633">November 1979 - March 1980. Series of training events (workshops, seminars, training courses) in the region (Governments, agencies, UNEP)</p> <p data-bbox="692 674 1449 770">March 1980. Government expert meeting to review all components of the draft action plan (Governments, all relevant organizations, UNEP)</p> <p data-bbox="692 801 1437 898">August 1980. Government expert meeting to refine the legal component of the draft action plan (Governments, UNEP)</p> <p data-bbox="692 929 1479 1059">October 1980. Intergovernmental meeting to review and adopt the action plan, including adoption of the regional convention (Governments, UNEP, all relevant organizations)</p> <p data-bbox="692 1090 1430 1126">1980-1982. Implementation of the action plan.</p>

Chapter III

SUPPORTING MEASURES
(budget line 03)

C. INFORMATION
(budget sub-line 0303)

23. Information activities relating to the International Year of the Child including world-wide poster contest and the printing of a book of the posters (UNEP) have been undertaken with the Environment Liaison Centre.

24. Support has been provided to the World Youth Congress on Food and Development, of which Environment was one of the three main themes. Interviews were held on environmental matters at the Congress and agreements have been made by the publishers of Al-Ahram to print and distribute materials on the Congress (UNEP).

25. As a result of a seminar for journalists on endangered species held in Costa Rica, materials on the Endangered Species Convention and related conservation activities have been carried in a number of newspapers (Earthscan, UNEP).

26. Further issues of the Desertification, Ozone Layer and Industry and the Environment bulletins have been printed and distributed. The Industry and the Environment Bulletin featured material on the pulp and paper industry. The Desertification Control Bulletin featured material on the follow-up to the Desertification Conference (UNEP).

27. Arrangements have been made with the national film board of Sri Lanka to screen UNEP's firewood film in 300 cinemas in that country (Sri Lanka, UNEP).

28. The following materials have been prepared: Multimedia kit on Desertification, including 48 slides, cassette recording, booklet with commentary and background data, wallchart and map; package on alternative energy sources, including a slide programme with commentaries in English and Arabic, a booklet-cum-wallchart with photographs, graphics and text on projects in Sri Lanka and the Philippines, and enlargements for exhibit material; material for the 1979 state of the environment topics, including a picture catalogue and portable exhibit of colour enlargements, one of which is being sent to each regional office; slide set with cassette commentary plus exhibit material on urban pollution control in Athens (UNEP).

Chapter IV

ENVIRONMENTAL MANAGEMENT INCLUDING
ENVIRONMENTAL LAW
(budget line 10)

A. ENVIRONMENTAL LAW
(budget sub-line 1002)

29. A master copy comprising full texts of the international environmental conventions and protocols listed in UNEP/GC/INFORMATION/5 and its supplement has been prepared (Fund for Environmental Studies, UNEP).
30. An analysis of selected environmental conventions and protocols was completed (UNEP). The purpose of the analysis was to identify the difficulties which often prevent Governments from becoming parties to or from enforcing the conventions.
31. A survey of selected universities and research institutes in the various regions has identified those which teach or research, or are capable of teaching or conducting research in environmental law (UNEP). The survey will form the basis for preparing teaching material for various universities and other institutes of learning (see UNEP/GC.7/7, chap. IV, Work plan).
32. The third session of the Working Group of Experts on Environmental Law met in Geneva, 5 to 14 March 1979. A copy of the report of the session (UNEP/WG.24/3) will be made available for information at the Governing Council. A brief report by the Executive Director on the status of work of the Working Group is annexed to the present document.

Annex

REPORT OF THE EXECUTIVE DIRECTOR ON THE STATUS OF
WORK OF THE WORKING GROUP OF EXPERTS ON
ENVIRONMENTAL LAW

1. Introduction

1. At the Governing Council's sixth session, some delegations expressed the view that the Working Group of Experts on Environmental Law had made good progress at its first and second sessions. Others, however, pointed out that the Group's progress was slow and that by not selecting additional topics for the future it had failed to produce a long-term programme of work; among other suggestions, they proposed that the Group should be convened in January 1979 at a high level, and that the Executive Director should report on that meeting to the Governing Council at its seventh session. 1/

2. The Executive Director decided to consult Governments regarding the feasibility and advisability of holding such a high-level meeting and its terms of reference, and so informed Government representatives in December 1978.

3. The issue of the high-level meeting was subsequently discussed at the informal consultations with Governments held at Nairobi from 8 to 12 January 1979. The Executive Director suggested that, if Governments found such a meeting advisable, it might be requested (i) to recommend ways of assisting the Group of Experts to expedite its work; (ii) to select or assist the Group in selecting additional topics to enable it to prepare its long-term programme; and (iii) to recommend action needed to achieve the UNEP goals for 1982 regarding international environmental law.

4. Some delegations at the informal consultations held the view that the Working Group of Experts was making reasonable progress, having regard to the fact that the subject of off-shore mining and drilling involved complex and difficult issues. The Group should not try to deal with too many subjects; it should concentrate on only a few, and deal with them well. It should also be left to choose additional topics for study. If any guidance were required for the work of the Group, the Governing Council was the appropriate body to provide it. Accordingly, they did not think that a high-level meeting was necessary.

1/ Official Records of the General Assembly, Thirty-third Session, Supplement No. 25 (A/33/25), para. 206.

5. Other delegations thought that the Group was making inadequate progress, and suggested that the UNEP secretariat should first ascertain the reasons for that situation. The secretariat's findings should then be submitted to the Governing Council for action as appropriate. A high level meeting was not required since such a meeting would not be able to advise on issues involving policy.

6. Some other delegations held the view that the work of the Group was not progressing well, that it needed to be expedited, and that the convening of a high-level meeting would be useful. However, their views differed on the terms of reference to be given to the high-level meeting.

7. The consensus was finally reached that as the Group of Experts on Environmental Law was to meet in early March at Geneva to commence work in accordance with the programme of work prepared at its second session, the Executive Director should prepare a report on the status of the work of the Group, together with his recommendations, for submission to the Governing Council at its seventh session.

8. The purpose of this report, therefore, is to enable the Governing Council, by providing it with the necessary information on the activities of the Working Group, together with recommendations, to take the action it finds appropriate regarding the work of the Group.

11. Progress of the Working Group of Experts on Environmental Law 1977 - 1979

9. The Governing Council, by decision 91 (V) of 25 May 1977, requested the Executive Director to:

"(a) Convene as soon as possible a small working group on environmental law, composed of government experts, to examine and further pursue, inter alia, the work undertaken in accordance with Governing Council decision 66 (IV);

"(b) Recommend to the group topics for study during the period from 1977 to 1979, taking into account and reviewing, inter alia, the conclusions contained in the report of the Group of Experts on Liability for Pollution and Other Environmental Damage and Compensation for Such Damage;"

Decision 66 (IV) had requested the Executive Director to continue, together with existing activities in this area:

"(b) The development of the relevant principles contained in the Declaration of the United Nations Conference on the Human Environment, in particular through studies by a group of governmental and other experts on the specific aspects of the problem relating to liability for pollution and other environmental damage and compensation for such damage, taking into account inter alia the progress made in

the work of the Intergovernmental Working Group of Experts on Natural Resources Shared by Two or More States as well as the relevant work of other international governmental and non-governmental organizations and forums, especially that of the International Law Commission;".

10. The Executive Director accordingly constituted a working group of experts on environmental law, comprising Government-nominated experts selected on the basis of equitable geographical distribution and of expressed interest, and recommended the following topics for study by the Group during 1977 - 1979:

(a) Liability and compensation for damage from marine pollution caused by offshore mining;

(b) Liability and compensation for damage caused from land-based sources;

(c) Responsibility and liability of States and their nationals for pollution and other damage caused to the environment beyond the limits of national jurisdiction.

11. At its first session, held at Geneva from 29 August to September 1977, the Group considered, among other matters, the topics recommended by the Executive Director, and decided that its first study during that period should be of the legal aspects of offshore mining and drilling carried out within the limits of national jurisdiction. It also tentatively suggested the following topics for future study, without however developing any long-term programme of work:

(a) Legal aspects of marine pollution from land-based sources;

(b) Legal aspects of air pollution;

(c) Legal aspects of pollution of rivers and other inland waters;

(d) Special regimes of liability for ultrahazardous activities, including where appropriate consideration of the application of the concept of strict liability;

(e) Consideration of the responsibility and liability of States and their nationals for pollution or other damage caused to the environment beyond the limits of national jurisdiction;

(f) Improvement of existing remedies available on a national and international basis to the victims of transfrontier pollution and other forms of damage. Such remedies might include a wide range of techniques, including access of foreign claimants to tribunals, action by the injured party in the court of his choice, facilitation of the recognition and enforcement of judgements, reciprocal application of legislation, equal access to courts, the provision of compensation funds and compulsory insurance schemes, administrative procedures, and the presentation by States of claims on behalf of large groups of their nationals;

(g) ~~Techniques designed to prevent and correct situations giving rise to transfrontier pollution and other forms of damage, including fact-finding procedures, bilateral or regional commissions, claims commissions, injunctive relief, and procedures for assessing possible international consequences of potentially harmful activities;~~

(h) Consideration of rules and principles which could govern the conduct of States between themselves either in advance of or in the face of pollution activities, including exchange of information, notification, consultation, and contingency planning;

(i) Elaboration of environmental standards for the purpose of facilitating the determination of liability. Such standards should be of a global or regional nature, as appropriate.

12. At its second session, held at Geneva from 3 to 12 April 1978, the Group discussed the background document before it and surveyed all the possible areas of the environment which could be affected through offshore mining and drilling activities. After reviewing the policies, goals, objectives and methods it should adopt for carrying out the study, it drew up the following comprehensive programme for pursuing its work:

Part 1

- Environmental impact assessment;
- Consideration of environmental concerns in national licensing systems for offshore mining and drilling;
- Appropriate systems for environmental monitoring;
- Consideration of the transfrontier environmental impact when authorizing offshore mining and drilling, in particular:
 - (a) Notification;
 - (b) Consultation.

Part 2

- Safety measures to prevent pollution from offshore mining and drilling:
 - (a) Personnel matters (training, safety, health, working conditions);
 - (b) Rules and technical standards governing construction and maintenance of equipment;
 - (c) Proper design of the programme of operation;

- (d) Storage facilities;
- (e) Fixed and mobile systems for transportation of extracted products.

Part 3

- Contingency plans on the national and international levels.

Part 4

- Liability and compensation:
 - (a) State responsibility;
 - (b) Civil liability, its nature and on whom it is imposed;
 - (c) Limits of liability;
 - (d) Means of achieving compensation.
- Dispute settlements.
- Equal access and equality of treatment.

Part 5: Possible results of the study

- Development and implementation of national legislation for the prevention of pollution from offshore mining and drilling.
- Preparation of model legislation and/or codes of conduct to assist States in the development of national legislation.
- Harmonization of national legislation and of codes of conduct.
- Conclusion of bilateral, regional or multilateral agreements.
- Development of international minimum standards (technical standards and environmental quality standards).
- Recommended guidelines.
- Technical assistance and transfer of appropriate technology.
- Compilation of appropriate information (legal and technical).
- Co-operation with international organizations.
- Periodic re-evaluation of rules, methods and policies.

At its third session held at Geneva from 5 to 14 March 1979, the Group commenced the study and development of legal conclusions on Part I of the above programme of work. The Group established 15 legal conclusions capable of being converted into legal guidelines, under the following headings:

- A. General provisions
- B. Authorization system
- C. Assessment of the impact on the environment
- D. Appropriate environmental monitoring system 3/

For want of time the Group did not consider the last item in its programme of work for the session:

"E. Consideration of transfrontier environmental impact when authorising offshore mining or drilling, in particular (a) notification and (b) consultation".

14. The Group also made provisional plans for carrying out the remaining parts of its work programme, so that it could finish its study of offshore mining and drilling and submit legal guidelines on it by the end of 1980. In addition, it pointed out some of the basic reasons why its progress had to be gradual, and could not be rushed. 5/

III. Conclusion and recommendations

15. In preparing this document, the reports on the three sessions of the Group and the achievement at each session have been reviewed and evaluated. In this connexion attention may be drawn specially to the considerable progress the Group made during its third session, and to the future plans it outlined in the report of that session to accelerate its work. Attention may also be drawn to the fact that offshore mining and drilling is a difficult and complex subject, the study of which cannot be rushed. All other information and views related to the work of the Group, particularly the views expressed by delegations during the informal consultations held in January 1979, were also taken into account.

3/ See the report of the Group at its third session (UNEP/WG.24/3)
Annex II

4/ Ibid., paras. 25-29.

5/ Ibid., paras. 6-10.

16. After a careful consideration of all the Issues Involved, it may be concluded that, although its preparatory work was somewhat slow, the work of the Group of Experts on Environmental Law has begun to show signs of progress. It does not, therefore, appear that there is any real need at present for a high-level meeting of the nature proposed by some delegations at the sixth session of the Governing Council. It is, however, noted that besides its present study of offshore mining and drilling, the Group did not select additional topics for its future work.

17. In the light of these considerations, the Executive Director recommends the following:

(a) The Group of Experts on Environmental Law should continue to pursue its studies in accordance with the mandate given it by the Governing Council decisions 66 (IV) and 91 (V), and establish legal guidelines on each topic, as appropriate;

(b) The Group should, where necessary, meet at shorter intervals; in any case, it should have at least one session between sessions of the Governing Council;

(c) The sessions of the Group should be long enough for substantial work to be completed during each session, and the necessary administrative and financial support for such longer sessions should be made available;

(d) The Governing Council may wish to establish a list of subject areas, from among those recommended by the Executive Director to the Working Group in 1977 and those tentatively suggested by the Group itself in the same year, where legal principles and guidelines need to be developed. Such a list would constitute the topics for future study by the Group;

(e) Each year, the Executive Director will report to the Governing Council on the status of the Group's work. Where necessary, he will make recommendations to assist the Governing Council in dealing with any difficulties the Group may be facing.

IV. Suggested action by the Governing Council

18. The Governing Council may wish to take a decision along the following lines:

(a) To accept the report and the recommendations of the Executive Director on the Work of the Group of Experts on Environmental Law;

(b) To establish the list of subject areas for future work of the Group;

(c) To request the Executive Director to implement the terms of the recommendations.