

Annex 571

UN General Assembly Resolution 10/15 (2004), A/RES/ES-10/15, 2 August 2004



General Assembly

Distr.: General
2 August 2004

Tenth emergency special session
Agenda item 5

Resolution adopted by the General Assembly

[without reference to a Main Committee (A/ES-10/L.18/Rev.1)]

ES-10/15. Advisory opinion of the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, including in and around East Jerusalem

The General Assembly,

Guided by the principles enshrined in the Charter of the United Nations,

Considering that the promotion of respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Recalling its resolution 2625 (XXV) of 24 October 1970, on the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Reaffirming the illegality of any territorial acquisition resulting from the threat or use of force,

Recalling the Regulations annexed to the Hague Convention Respecting the Laws and Customs of War on Land of 1907,¹

Recalling also the Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949,² and relevant provisions of customary law, including those codified in Additional Protocol I to the Geneva Conventions,³

Recalling further the International Covenant on Civil and Political Rights,⁴ the International Covenant on Economic, Social and Cultural Rights⁴ and the Convention on the Rights of the Child,⁵

¹ See Carnegie Endowment for International Peace, *The Hague Conventions and Declarations of 1899 and 1907* (New York, Oxford University Press, 1915).

² United Nations, *Treaty Series*, vol. 75, No. 973.

³ *Ibid.*, vol. 1125, No. 17512.

⁴ See resolution 2200 A (XXI), annex.

⁵ Resolution 44/25, annex.

Reaffirming the permanent responsibility of the United Nations towards the question of Palestine until it is resolved in all aspects in a satisfactory manner on the basis of international legitimacy,

Recalling relevant Security Council resolutions, including resolutions 242 (1967) of 22 November 1967, 338 (1973) of 22 October 1973, 446 (1979) of 22 March 1979, 452 (1979) of 20 July 1979, 465 (1980) of 1 March 1980, 476 (1980) of 30 June 1980, 478 (1980) of 20 August 1980, 904 (1994) of 18 March 1994, 1073 (1996) of 28 September 1996, 1397 (2002) of 12 March 2002, 1515 (2003) of 19 November 2003 and 1544 (2004) of 19 May 2004,

Recalling also the resolutions of its tenth emergency special session on illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory,

Reaffirming the most recent resolution of the fifty-eighth session of the General Assembly on the status of the Occupied Palestinian Territory, including East Jerusalem, resolution 58/292 of 6 May 2004,

Reaffirming also the right of the Palestinian people to self-determination, including their right to their independent State of Palestine,

Reaffirming further the commitment to the two-State solution of Israel and Palestine, living side by side in peace and security within recognized borders, based on the pre-1967 borders,

Condemning all acts of violence, terrorism and destruction,

Calling upon both parties to fulfil their obligations under relevant provisions of the road map,⁶ the Palestinian Authority to undertake visible efforts on the ground to arrest, disrupt and restrain individuals and groups conducting and planning violent attacks, and the Government of Israel to take no actions undermining trust, including deportations and attacks on civilians and extrajudicial killings,

Reaffirming that all States have the right and the duty to take actions in conformity with international law and international humanitarian law to counter deadly acts of violence against their civilian population in order to protect the lives of their citizens,

Recalling its resolution ES-10/13 of 21 October 2003, in which it demanded that Israel stop and reverse the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem,

Recalling also its resolution ES-10/14 of 8 December 2003, in which it requested the International Court of Justice to urgently render an advisory opinion on the following question:

“What are the legal consequences arising from the construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, as described in the report of the Secretary-General, considering the rules and principles of international law, including the Fourth Geneva Convention, of 1949, and relevant Security Council and General Assembly resolutions?”

⁶ S/2003/529, annex.

*Having received with respect the advisory opinion of the Court on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, rendered on 9 July 2004,*⁷

*Noting in particular that the Court replied to the question put forth by the General Assembly in resolution ES-10/14 as follows:*⁸

- “A. The construction of the wall being built by Israel, the occupying Power, in the Occupied Palestinian Territory, including in and around East Jerusalem, and its associated regime, are contrary to international law;
- “B. Israel is under an obligation to terminate its breaches of international law; it is under an obligation to cease forthwith the works of construction of the wall being built in the Occupied Palestinian Territory, including in and around East Jerusalem, to dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto, in accordance with paragraph 151 of this Opinion;
- “C. Israel is under an obligation to make reparation for all damage caused by the construction of the wall in the Occupied Palestinian Territory, including in and around East Jerusalem;
- “D. All States are under an obligation not to recognize the illegal situation resulting from the construction of the wall and not to render aid or assistance in maintaining the situation created by such construction; all States Parties to the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War of 12 August 1949 have in addition the obligation, while respecting the United Nations Charter and international law, to ensure compliance by Israel with international humanitarian law as embodied in that Convention;
- “E. The United Nations, and especially the General Assembly and the Security Council, should consider what further action is required to bring to an end the illegal situation resulting from the construction of the wall and the associated regime, taking due account of the present Advisory Opinion.”,

*Noting that the Court concluded that “the Israeli settlements in the Occupied Palestinian Territory (including East Jerusalem) have been established in breach of international law”,*⁹

*Noting also the statement made by the Court that “Israel and Palestine are under an obligation scrupulously to observe the rules of international humanitarian law, one of the paramount purposes of which is to protect civilian life”,*¹⁰ and that “in the Court’s view, this tragic situation can be brought to an end only through implementation in good faith of all relevant Security Council resolutions, in particular resolutions 242 (1967) and 338 (1973)”,¹⁰

Considering that respect for the Court and its functions is essential to the rule of law and reason in international affairs,

⁷ See A/ES-10/273 and Corr.1.

⁸ Ibid., para. 163.

⁹ Ibid., para. 120.

¹⁰ Ibid., para. 162.

1. *Acknowledges* the advisory opinion of the International Court of Justice of 9 July 2004 on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,⁷ including in and around East Jerusalem;
2. *Demands* that Israel, the occupying Power, comply with its legal obligations as mentioned in the advisory opinion;
3. *Calls upon* all States Members of the United Nations to comply with their legal obligations as mentioned in the advisory opinion;
4. *Requests* the Secretary-General to establish a register of damage caused to all natural or legal persons concerned in connection with paragraphs 152 and 153 of the advisory opinion;
5. *Decides* to reconvene to assess the implementation of the present resolution, with the aim of ending the illegal situation resulting from the construction of the wall and its associated regime in the Occupied Palestinian Territory, including East Jerusalem;
6. *Calls upon* both the Government of Israel and the Palestinian Authority to immediately implement their obligations under the road map,⁶ in cooperation with the Quartet, as endorsed by Security Council resolution 1515 (2003), to achieve the vision of two States living side by side in peace and security, and emphasizes that both Israel and the Palestinian Authority are under an obligation scrupulously to observe the rules of international humanitarian law;
7. *Calls upon* all States parties to the Fourth Geneva Convention² to ensure respect by Israel for the Convention, and invites Switzerland, in its capacity as the depositary of the Geneva Conventions,¹¹ to conduct consultations and to report to the General Assembly on the matter, including with regard to the possibility of resuming the Conference of High Contracting Parties to the Fourth Geneva Convention;
8. *Decides* to adjourn the tenth emergency special session temporarily and to authorize the President of the General Assembly at its most recent session to resume its meeting upon request from Member States.

27th plenary meeting
20 July 2004

¹¹ United Nations, *Treaty Series*, vol. 75, Nos. 970–973.

Annex 572

UN General Assembly Resolution 73/295 (2019), A/RES/73/295, 24 May 2019



General Assembly

Distr.: General
24 May 2019

Seventy-third session
Agenda item 88

Resolution adopted by the General Assembly on 22 May 2019

[without reference to a Main Committee ([A/73/L.84/Rev.1](#) and [A/73/L.84/Rev.1/Add.1](#))]

73/295. Advisory opinion of the International Court of Justice on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965

The General Assembly,

Guided by the principles enshrined in the Charter of the United Nations, including the inalienable right of self-determination of peoples,

Considering that respect for the obligations arising from the Charter and other instruments and rules of international law is among the basic purposes and principles of the United Nations,

Recalling its resolution [71/292](#) of 22 June 2017, by which it decided, in accordance with Article 96 of the Charter, to request the International Court of Justice, pursuant to Article 65 of the Statute of the Court, to render an advisory opinion on the following two questions relating to the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965:

(a) “Was the process of decolonization of Mauritius lawfully completed when Mauritius was granted independence in 1968, following the separation of the Chagos Archipelago from Mauritius and having regard to international law, including obligations reflected in General Assembly resolutions [1514 \(XV\)](#) of 14 December 1960, [2066 \(XX\)](#) of 16 December 1965, [2232 \(XXI\)](#) of 20 December 1966 and [2357 \(XXII\)](#) of 19 December 1967?”,

(b) “What are the consequences under international law, including obligations reflected in the above-mentioned resolutions, arising from the continued administration by the United Kingdom of Great Britain and Northern Ireland of the Chagos Archipelago, including with respect to the inability of Mauritius to implement a programme for the resettlement on the Chagos Archipelago of its nationals, in particular those of Chagossian origin?”,



Having received the advisory opinion of the Court, rendered on 25 February 2019,¹ in which the Court found that:

(a) “The process of decolonization of Mauritius was not lawfully completed when that country acceded to independence in 1968, following the separation of the Chagos Archipelago”,

(b) “The United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible”,

(c) “All Member States are under an obligation to co-operate with the United Nations in order to complete the decolonization of Mauritius”,

(d) “As regards the resettlement on the Chagos Archipelago of Mauritian nationals, including those of Chagossian origin, this is an issue relating to the protection of the human rights of those concerned, which should be addressed by the General Assembly during the completion of the decolonization of Mauritius”,

Considering that respect for the Court and its functions, including in the exercise of its advisory jurisdiction, is essential to international law and justice and to an international order based on the rule of law,

Reaffirming the responsibility of the United Nations, in accordance with resolution 1514 (XV), to assist in the process of decolonization of Mauritius,

1. *Welcomes* the advisory opinion of the International Court of Justice of 25 February 2019 on the legal consequences of the separation of the Chagos Archipelago from Mauritius in 1965;¹

2. *Affirms*, in accordance with the advisory opinion of the Court, that:

(a) Because the detachment of the Chagos Archipelago was not based on the free and genuine expression of the will of the people of Mauritius, the decolonization of Mauritius has not been lawfully completed;

(b) The Chagos Archipelago forms an integral part of the territory of Mauritius;

(c) Since the decolonization of Mauritius was not conducted in a manner consistent with the right of peoples to self-determination, it follows that the continued administration of the Chagos Archipelago by the United Kingdom of Great Britain and Northern Ireland constitutes a wrongful act entailing the international responsibility of that State;

(d) The United Kingdom is under an obligation to bring to an end its administration of the Chagos Archipelago as rapidly as possible;

(e) Since respect for the right to self-determination is an obligation *erga omnes*, all States have a legal interest in protecting that right and all Member States are under an obligation to cooperate with the United Nations in order to complete the decolonization of Mauritius;

(f) The resettlement of Mauritian nationals, including those of Chagossian origin, must be addressed as a matter of urgency during the completion of the decolonization process;

3. *Demands* that the United Kingdom of Great Britain and Northern Ireland withdraw its colonial administration from the Chagos Archipelago unconditionally within a period of no more than six months from the adoption of the present resolution, thereby enabling Mauritius to complete the decolonization of its territory as rapidly as possible;

¹ See [A/73/773](#).

4. *Urges* the United Kingdom of Great Britain and Northern Ireland to cooperate with Mauritius in facilitating the resettlement of Mauritian nationals, including those of Chagossian origin, in the Chagos Archipelago, and to pose no impediment or obstacle to such resettlement;

5. *Calls upon* all Member States to cooperate with the United Nations to ensure the completion of the decolonization of Mauritius as rapidly as possible, and to refrain from any action that will impede or delay the completion of the process of decolonization of Mauritius in accordance with the advisory opinion of the Court and the present resolution;

6. *Calls upon* the United Nations and all its specialized agencies to recognize that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonization of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing, or giving effect to any measure taken by or on behalf of, the “British Indian Ocean Territory”;

7. *Calls upon* all other international, regional and intergovernmental organizations, including those established by treaty, to recognize that the Chagos Archipelago forms an integral part of the territory of Mauritius, to support the decolonization of Mauritius as rapidly as possible, and to refrain from impeding that process by recognizing, or giving effect to any measure taken by or on behalf of, the “British Indian Ocean Territory”;

8. *Requests* the Secretary-General to submit a report to the General Assembly at its seventy-fourth session on the implementation of the present resolution, including any actions taken by the United Kingdom of Great Britain and Northern Ireland and other Member States.

*83rd plenary meeting
22 May 2019*

Annex 573

Greek Civil Code, Articles 1003 and 1108 (Greek original and English machine translation)

[. . .]

Article 1003 - Ownership restrictions, emissions.

The property owner has the obligation to tolerate the emission of smoke, soot, fumes, heat, noise, vibration or other similar effects emanating from another property, as long as they do not significantly interfere with the use of his property or come from use normal for properties in the area of the property from which the damage is caused.

[. . .]

Article 1108 - Negative action

If the ownership is infringed in any way other than by removal or retention of the thing, the owner is entitled to require the person who has infringed the ownership to remove the infringement and to refrain from doing so in the future. No further claim for damages shall be excluded under the provisions on tort/delict. The right referred to in the preceding paragraph shall not be granted if the person who committed the infringement acted pursuant to a right.

[. . .]

[. . .]

Άρθρο 1003 - Περιορισμοί κυριότητας, εκπομπές.

Ο κύριος ακινήτου έχει υποχρέωση να ανέχεται την εκπομπή καπνού, αιθάλης, αναθυμιάσεων, θερμότητας, θορύβου, δονήσεων ή άλλες παρόμοιες επενέργειες που προέρχονται από άλλο ακίνητο, εφόσον αυτές δεν παραβιάζουν σημαντικά τη χρήση του ακινήτου του ή προέρχονται από χρήση συνήθη για ακίνητα της περιοχής του κτήματος από το οποίο προκαλείται η βλάβη.

[. . .]

Άρθρο 1108 - Αρνητική αγωγή

Αν η κυριότητα προσβάλλεται με άλλο τρόπο εκτός από αφαίρεση ή κατακράτηση του πράγματος, ο κύριος δικαιούται να απαιτήσει από εκείνον που προσέβαλε την κυριότητα, να άρει την προσβολή και να την παραλείπει στο μέλλον. Δεν αποκλείεται περαιτέρω αξίωση αποζημίωσης κατά τις διατάξεις για τις αδικοπραξίες. Το δικαίωμα της προηγούμενης παραγράφου δεν παρέχεται, αν εκείνος που έκανε την προσβολή ενέργησε δυνάμει δικαιώματος.

[. . .]

Annex 574

Constitution of the Republic of Korea, 17 July 1948, as amended from time to time
and updated in 1987

THE CONSTITUTION OF THE REPUBLIC OF KOREA

	Jul. 17, 1948
Amended by	Jul. 7, 1952
	Nov. 29, 1954
	Jun. 15, 1960
	Nov. 29, 1960
	Dec. 26, 1962
	Oct. 21, 1969
	Dec. 27, 1972
	Oct. 27, 1980
	Oct. 29, 1987

PREAMBLE

We, the people of Korea, proud of a resplendent history and traditions dating from time immemorial, upholding the cause of the Provisional Republic of Korea Government born of the March First Independence Movement of 1919 and the democratic ideals of the April Nineteenth Uprising of 1960 against injustice, having assumed the mission of democratic reform and peaceful unification of our homeland and having determined to consolidate national unity with justice, humanitarianism and brotherly love, and

To destroy all social vices and injustice, and

To afford equal opportunities to every person and provide for the fullest development of individual capabilities in all fields, including political, economic, social and cultural life by further strengthening the basic free and democratic order conducive to private initiative and public harmony, and

To help each person discharge those duties and responsibilities concomitant to freedoms and rights, and

To elevate the quality of life for all citizens and contribute to lasting world peace and the common prosperity of mankind and thereby to ensure security, liberty and happiness for ourselves and our posterity forever, Do hereby amend, through national referendum following a resolution by the National Assembly, the Constitution, ordained and established on the Twelfth Day of July anno Domini Nineteen hundred and forty eight, and amended eight times subsequently.

Oct. 29, 1987

CHAPTER I GENERAL PROVISIONS

Article 1

(1) The Republic of Korea shall be a democratic republic.

(2) The sovereignty of the Republic of Korea shall reside in the people, and all state authority shall emanate from the people.

Article 2

(1) Nationality in the Republic of Korea shall be prescribed by Act.

(2) It shall be the duty of the State to protect citizens residing abroad as prescribed by Act.

Article 3

The territory of the Republic of Korea shall consist of the Korean peninsula and its adjacent islands.

Article 4

The Republic of Korea shall seek unification and shall formulate and carry out a policy of peaceful unification

based on the principles of freedom and democracy.

Article 5

- (1) The Republic of Korea shall endeavor to maintain international peace and shall renounce all aggressive wars.
- (2) The Armed Forces shall be charged with the sacred mission of national security and the defense of the land and their political neutrality shall be maintained.

Article 6

- (1) Treaties duly concluded and promulgated under the Constitution and the generally recognized rules of international law shall have the same effect as the domestic laws of the Republic of Korea.
- (2) The status of aliens shall be guaranteed as prescribed by international law and treaties.

Article 7

- (1) All public officials shall be servants of the entire people and shall be responsible for the people.
- (2) The status and political impartiality of public officials shall be guaranteed as prescribed by Act.

Article 8

- (1) The establishment of political parties shall be free, and the plural party system shall be guaranteed.
- (2) Political parties shall be democratic in their objectives, organization and activities, and shall have the necessary organizational arrangements for the people to participate in the formation of the political will.
- (3) Political parties shall enjoy the protection of the State and may be provided with operational funds by the State under the conditions as prescribed by Act.
- (4) If the purposes or activities of a political party are

contrary to the fundamental democratic order, the Government may bring an action against it in the Constitutional Court for its dissolution, and the political party shall be dissolved in accordance with the decision of the Constitutional Court.

Article 9

The State shall strive to sustain and develop the cultural heritage and to enhance national culture.

CHAPTER II RIGHTS AND DUTIES OF CITIZENS

Article 10

All citizens shall be assured of human dignity and worth and have the right to pursue happiness. It shall be the duty of the State to confirm and guarantee the fundamental and inviolable human rights of individuals.

Article 11

(1) All citizens shall be equal before the law, and there shall be no discrimination in political, economic, social or cultural life on account of sex, religion or social status.

(2) No privileged caste shall be recognized or ever established in any form.

(3) The awarding of decorations or distinctions of honor in any form shall be effective only for recipients, and no privileges shall ensue therefrom.

Article 12

(1) All citizens shall enjoy personal liberty. No person shall be arrested, detained, searched, seized or interrogated except as provided by Act. No person shall be punished, placed under preventive restrictions or subject to involuntary labor

- except as provided by Act and through lawful procedures.
- (2) No citizens shall be tortured or be compelled to testify against himself in criminal cases.
- (3) Warrants issued by a judge through due procedures upon the request of a prosecutor shall be presented in case of arrest, detention, seizure or search: *Provided*, That in a case where a criminal suspect is an apprehended *flagrante delicto*, or where there is danger that a person suspected of committing a crime punishable by imprisonment of three years or more may escape or destroy evidence, investigative authorities may request an *ex post facto* warrant.
- (4) Any person who is arrested or detained shall have the right to prompt assistance of counsel. When a criminal defendant is unable to secure counsel by his own efforts, the State shall assign counsel for the defendant as prescribed by Act.
- (5) No person shall be arrested or detained without being informed of the reason therefor and of his right to assistance of counsel. The family, etc., as designated by Act, of a person arrested or detained shall be notified without delay of the reason for and the time and place of the arrest or detention.
- (6) Any person who is arrested or detained, shall have the right to request the court to review the legality of the arrest or detention.
- (7) In a case where a confession is deemed to have been made against a defendant's will due to torture, violence, intimidation, unduly prolonged arrest, deceit or etc., or in a case where a confession is the only evidence against a defendant in a formal trial, such a confession shall not be

admitted as evidence of guilt, nor shall a defendant be punished by reason of such a confession.

Article 13

(1) No citizen shall be prosecuted for an act which does not constitute a crime under the Act in force at the time it was committed, nor shall he be placed in double jeopardy.

(2) No restrictions shall be imposed upon the political rights of any citizen, nor shall any person be deprived of property rights by means of retroactive legislation.

(3) No citizen shall suffer unfavorable treatment on account of an act not of his own doing but committed by a relative.

Article 14

All citizens shall enjoy freedom of residence and the right to move at will.

Article 15

All citizens shall enjoy freedom of occupation.

Article 16

All citizens shall be free from intrusion into their place of residence. In case of search or seizure in a residence, a warrant issued by a judge upon request of a prosecutor shall be presented.

Article 17

The privacy of no citizen shall be infringed.

Article 18

The privacy of correspondence of no citizen shall be infringed.

Article 19

All citizens shall enjoy freedom of conscience.

Article 20

(1) All citizens shall enjoy freedom of religion.

(2) No state religion shall be recognized, and church and state shall be separated.

Article 21

(1) All citizens shall enjoy freedom of speech and the press, and freedom of assembly and association.

(2) Licensing or censorship of speech and the press, and licensing of assembly and association shall not be permitted.

(3) The standards of news service and broadcast facilities and matters necessary to ensure the functions of news papers shall be determined by Act.

(4) Neither speech nor the press shall violate the honor or rights of other persons nor undermine public morals or social ethics. Should speech or the press violate the honor or rights of other persons, claims may be made for the damage resulting therefrom.

Article 22

(1) All citizens shall enjoy freedom of learning and the arts.

(2) The rights of authors, inventors, scientists, engineers and artists shall be protected by Act.

Article 23

(1) The right of property of all citizens shall be guaranteed. The contents and limitations thereof shall be determined by Act.

(2) The exercise of property rights shall conform to the public welfare.

(3) Expropriation, use or restriction of private property from public necessity and compensation therefor shall be governed by Act: *Provided*, That in such a case, just compensation shall be paid.

Article 24

All citizens shall have the right to vote under the conditions as prescribed by Act.

Article 25

All citizens shall have the right to hold public office under the conditions as prescribed by Act.

Article 26

(1) All citizens shall have the right to petition in writing to any governmental agency under the conditions as prescribed by Act.

(2) The State shall be obligated to examine all such petitions.

Article 27

(1) All citizens shall have the right to trial in conformity with the Act by judges qualified under the Constitution and the Act.

(2) Citizens who are not on active military service or employees of the military forces shall not be tried by a court martial within the territory of the Republic of Korea, except in case of crimes as prescribed by Act involving important classified military information, sentinels, sentry posts, the supply of harmful food and beverages, prisoners of war and military articles and facilities and in the case of the proclamation of extraordinary martial law.

(3) All citizens shall have the right to a speedy trial. The accused shall have the right to a public trial without delay in the absence of justifiable reasons to the contrary.

(4) The accused shall be presumed innocent until a judgment of guilt has been pronounced.

(5) A victim of a crime shall be entitled to make a statement

during the proceedings of the trial of the case involved as under the conditions prescribed by Act.

Article 28

In a case where a criminal suspect or an accused person who has been placed under detention is not indicted as provided by Act or is acquitted by a court, he shall be entitled to claim just compensation from the State under the conditions as prescribed by Act.

Article 29

(1) In case a person has sustained damages by an unlawful act committed by a public official in the course of official duties, he may claim just compensation from the State or public organization under the conditions as prescribed by Act. In this case, the public official concerned shall not be immune from liabilities.

(2) In case a person on active military service or an employee of the military forces, a police official or others as prescribed by Act sustains damages in connection with the performance of official duties such as combat action, drill and so forth, he shall not be entitled to a claim against the State or public organization on the grounds of unlawful acts committed by public officials in the course of official duties, but shall be entitled only to compensations as prescribed by Act.

Article 30

Citizens who have suffered bodily injury or death due to criminal acts of others may receive aid from the State under the conditions as prescribed by Act.

Article 31

(1) All citizens shall have an equal right to an education

corresponding to their abilities.

(2) All citizens who have children to support shall be responsible at least for their elementary education and other education as provided by Act.

(3) Compulsory education shall be free of charge.

(4) Independence, professionalism and political impartiality of education and the autonomy of institutions of higher learning shall be guaranteed under the conditions as prescribed by Act.

(5) The State shall promote lifelong education.

(6) Fundamental matters pertaining to the educational system, including in school and lifelong education, administration, finance, and the status of teachers shall be determined by Act.

Article 32

(1) All citizens shall have the right to work. The State shall endeavor to promote the employment of workers and to guarantee optimum wages through social and economic means and shall enforce a minimum wage system under the conditions as prescribed by Act.

(2) All citizens shall have the duty to work. The State shall prescribe by Act the extent and conditions of the duty to work in conformity with democratic principles.

(3) Standards of working conditions shall be determined by Act in such a way as to guarantee human dignity.

(4) Special protection shall be accorded to working women, and they shall not be subjected to unjust discrimination in terms of employment, wages and working conditions.

(5) Special protection shall be accorded to working children.

(6) The opportunity to work shall be accorded preferentially,

under the conditions as prescribed by Act, to those who have given distinguished service to the State, wounded veterans and policemen, and members of the bereaved families of military servicemen and policemen killed in action.

Article 33

(1) To enhance working conditions, workers shall have the right to independent association, collective bargaining and collective action.

(2) Only those public officials who are designated by Act, shall have the right to association, collective bargaining and collective action.

(3) The right to collective action of workers employed by important defense industries may be either restricted or denied under the conditions as prescribed by Act.

Article 34

(1) All citizens shall be entitled to a life worthy of human beings.

(2) The State shall have the duty to endeavor to promote social security and welfare.

(3) The State shall endeavor to promote the welfare and rights of women.

(4) The State shall have the duty to implement policies for enhancing the welfare of senior citizens and the young.

(5) Citizens who are incapable of earning a livelihood due to a physical disability, disease, old age or other reasons shall be protected by the State under the conditions as prescribed by Act.

(6) The State shall endeavor to prevent disasters and to protect citizens from harm therefrom.

Article 35

(1) All citizens shall have the right to a healthy and pleasant environment. The State and all citizens shall endeavor to protect the environment.

(2) The substance of the environmental right shall be determined by Act.

(3) The State shall endeavor to ensure comfortable housing for all citizens through housing development policies and the like.

Article 36

(1) Marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of the sexes, and the State shall do everything in its power to achieve that goal.

(2) The State shall endeavor to protect motherhood.

(3) The health of all citizens shall be protected by the State.

Article 37

(1) Freedoms and rights of citizens shall not be neglected on the grounds that they are not enumerated in the Constitution.

(2) The freedoms and rights of citizens may be restricted by Act only when necessary for national security, the maintenance of law and order or for public welfare. Even when such restriction is imposed, no essential aspect of the freedom or right shall be violated.

Article 38

All citizens shall have the duty to pay taxes under the conditions as prescribed by Act.

Article 39

(1) All citizens shall have the duty of national defense under

the conditions as prescribed by Act.

(2) No citizen shall be treated unfavorably on account of the fulfillment of his obligation of military service.

CHAPTER III THE NATIONAL ASSEMBLY

Article 40

The legislative power shall be vested in the National Assembly.

Article 41

(1) The National Assembly shall be composed of members elected by universal, equal, direct and secret ballot by the citizens.

(2) The number of members of the National Assembly shall be determined by Act, but the number shall not be less than 200.

(3) The constituencies of members of the National Assembly, proportional representation and other matters pertaining to National Assembly elections shall be determined by Act.

Article 42

The term of office of members of the National Assembly shall be four years.

Article 43

Members of the National Assembly shall not concurrently hold any other office prescribed by Act.

Article 44

(1) During the sessions of the National Assembly, no member of the National Assembly shall be arrested or detained without the consent of the National Assembly except in case of *flagrante delicto*.

(2) In case of apprehension or detention of a member of the National Assembly prior to the opening of a session, such member shall be released during the session upon the request of the National Assembly, except in case of *flagran te delicto*.

Article 45

No member of the National Assembly shall be held responsible outside the National Assembly for opinions officially expressed or votes cast in the Assembly.

Article 46

(1) Members of the National Assembly shall have the duty to maintain high standards of integrity.

(2) Members of the National Assembly shall give preference to national interests and shall perform their duties in accordance with conscience.

(3) Members of the National Assembly shall not acquire, through abuse of their positions, rights and interests in property or positions, or assist other persons to acquire the same, by means of contracts with or dispositions by the State, public organizations or industries.

Article 47

(1) A regular session of the National Assembly shall be convened once every year under the conditions as prescribed by Act, and extraordinary sessions of the National Assembly shall be convened upon the request of the President or one fourth or more of the total members.

(2) The period of regular sessions shall not exceed a hundred days, and that of extraordinary sessions, thirty days.

(3) If the President requests the convening of an extraordinary session, the period of the session and the reasons

for the request shall be clearly specified.

Article 48

The National Assembly shall elect one Speaker and two Vice Speakers.

Article 49

Except as otherwise provided for in the Constitution or in Act, the attendance of a majority of the total members, and the concurrent vote of a majority of the members present, shall be necessary for decisions of the National Assembly. In case of a tie vote, the matter shall be regarded as rejected.

Article 50

(1) Sessions of the National Assembly shall be open to the public: *Provided*, That when it is decided so by a majority of the members present, or when the Speaker deems it necessary to do so for the sake of national security, they may be closed to the public.

(2) The public disclosure of the proceedings of sessions which were not open to the public shall be determined by Act.

Article 51

Bills and other matters submitted to the National Assembly for deliberation shall not be abandoned on the ground that they were not acted upon during the session in which they were introduced, except in a case where the term of the members of the National Assembly has expired.

Article 52

Bills may be introduced by members of the National Assembly or by the Executive.

Article 53

(1) Each bill passed by the National Assembly shall be sent

to the Executive, and the President shall promulgate it within fifteen days.

(2) In case of objection to the bill, the President may, within the period referred to in paragraph (1), return it to the National Assembly with written explanation of his objection, and request it be reconsidered. The President may do the same during adjournment of the National Assembly.

(3) The President shall not request the National Assembly to reconsider the bill in part, or with proposed amendments.

(4) In case there is a request for reconsideration of a bill, the National Assembly shall reconsider it, and if the National Assembly repasses the bill in the original form with the attendance of more than one half of the total members, and with a concurrent vote of two thirds or more of the members present, it shall become Act.

(5) If the President does not promulgate the bill, or does not request the National Assembly to reconsider it within the period referred to in paragraph (1), it shall become Act.

(6) The President shall promulgate without delay the Act as finalized under paragraphs (4) and (5). If the President does not promulgate an Act within five days after it has become Act under paragraph (5), or after it has been returned to the Executive under paragraph (4), the Speaker shall promulgate it.

(7) Except as provided otherwise, an Act shall take effect twenty days after the date of promulgation.

Article 54

(1) The National Assembly shall deliberate and decide upon the national budget bill.

(2) The Executive shall formulate the budget bill for each

fiscal year and submit it to the National Assembly within ninety days before the beginning of a fiscal year. The National Assembly shall decide upon it within thirty days before the beginning of the fiscal year.

(3) If the budget bill is not passed by the beginning of the fiscal year, the Executive may, in conformity with the budget of the previous fiscal year, disburse funds for the following purposes until the budget bill is passed by the National Assembly:

1. The maintenance and operation of agencies and facilities established by the Constitution or Act;
2. Execution of the obligatory expenditures as prescribed by Act; and
3. Continuation of projects previously approved in the budget.

Article 55

(1) In a case where it is necessary to make continuing disbursements for a period longer than one fiscal year, the Executive shall obtain the approval of the National Assembly for a specified period of time.

(2) A reserve fund shall be approved by the National Assembly in total. The disbursement of the reserve fund shall be approved during the next session of the National Assembly.

Article 56

When it is necessary to amend the budget, the Executive may formulate a supplementary revised budget bill and submit it to the National Assembly.

Article 57

The National Assembly shall, without the consent of the

Executive, neither increase the sum of any item of expenditure nor create any new items of expenditure in the budget submitted by the Executive.

Article 58

When the Executive plans to issue national bonds or to conclude contracts which may incur financial obligations on the State outside the budget, it shall have the prior concurrence of the National Assembly.

Article 59

Types and rates of taxes shall be determined by Act.

Article 60

(1) The National Assembly shall have the right to consent to the conclusion and ratification of treaties pertaining to mutual assistance or mutual security; treaties concerning important international organizations; treaties of friendship, trade and navigation; treaties pertaining to any restriction in sovereignty; peace treaties; treaties which will burden the State or people with an important financial obligation; or treaties related to legislative matters.

(2) The National Assembly shall also have the right to consent to the declaration of war, the dispatch of armed forces to foreign states, or the stationing of alien forces in the territory of the Republic of Korea.

Article 61

(1) The National Assembly may inspect affairs of state or investigate specific matters of state affairs, and may demand the production of documents directly related thereto, the appearance of a witness in person and the furnishing of testimony or statements of opinion.

(2) The procedures and other necessary matters concerning

the inspection and investigation of state administration shall be determined by Act.

Article 62

(1) The Prime Minister, members of the State Council or government delegates may attend meetings of the National Assembly or its committees and report on the state administration or deliver opinions and answer questions.

(2) When requested by the National Assembly or its committees, the Prime Minister, members of the State Council or government delegates shall attend any meeting of the National Assembly and answer questions. If the Prime Minister or State Council members are requested to attend, the Prime Minister or State Council members may have State Council members or government delegates attend any meeting of the National Assembly and answer questions.

Article 63

(1) The National Assembly may pass a recommendation for the removal of the Prime Minister or a State Council member from office.

(2) A recommendation for removal as referred to in paragraph (1) may be introduced by one third or more of the total members of the National Assembly, and shall be passed with the concurrent vote of a majority of the total members of the National Assembly.

Article 64

(1) The National Assembly may establish the rules of its proceedings and internal regulations: *Provided*, That they are not in conflict with Act.

(2) The National Assembly may review the qualifications of its members and may take disciplinary actions against its

members.

(3) The concurrent vote of two thirds or more of the total members of the National Assembly shall be required for the expulsion of any member.

(4) No action shall be brought to court with regard to decisions taken under paragraphs (2) and (3).

Article 65

(1) In case the President, the Prime Minister, members of the State Council, heads of Executive Ministries, Justices of the Constitutional Court, judges, members of the National Election Commission, the Chairman and members of the Board of Audit and Inspection, and other public officials designated by Act have violated the Constitution or other Acts in the performance of official duties, the National Assembly may pass motions for their impeachment.

(2) A motion for impeachment prescribed in paragraph (1) may be proposed by one third or more of the total members of the National Assembly, and shall require a concurrent vote of a majority of the total members of the National Assembly for passage: *Provided*, That a motion for the impeachment of the President shall be proposed by a majority of the total members of the National Assembly and approved by two thirds or more of the total members of the National Assembly.

(3) Any person against whom a motion for impeachment has been passed shall be suspended from exercising his power until the impeachment has been adjudicated.

(4) A decision on impeachment shall not extend further than removal from public office: *Provided*, That it shall not exempt the person impeached from civil or criminal liability.

CHAPTER IV THE EXECUTIVE

SECTION 1 The President

Article 66

- (1) The President shall be the Head of State and represent the State vis a vis foreign states.
- (2) The President shall have the responsibility and duty to safeguard the independence, territorial integrity and continuity of the State and the Constitution.
- (3) The President shall have the duty to pursue sincerely the peaceful unification of the homeland.
- (4) Executive power shall be vested in the Executive Branch headed by the President.

Article 67

- (1) The President shall be elected by universal, equal, direct and secret ballot by the people.
- (2) In case two or more persons receive the same largest number of votes in the election as referred to in paragraph (1), the person who receives the largest number of votes in an open session of the National Assembly attended by a majority of the total members of the National Assembly shall be elected.
- (3) If and when there is only one presidential candidate, he shall not be elected President unless he receives at least one third of the total eligible votes.
- (4) Citizens who are eligible for election to the National Assembly, and who have reached the age of forty years or more on the date of the presidential election, shall be eligible to be elected to the presidency.

(5) Matters pertaining to presidential elections shall be determined by Act.

Article 68

(1) The successor to the incumbent President shall be elected seventy to forty days before his term expires.

(2) In case a vacancy occurs in the office of the President or the President elect dies, or is disqualified by a court ruling or for any other reason, a successor shall be elected within sixty days.

Article 69

The President, at the time of his inauguration, shall take the following oath: "I do solemnly swear before the people that I will faithfully execute the duties of the President by observing the Constitution, defending the State, pursuing the peaceful unification of the homeland, promoting the freedom and welfare of the people and endeavoring to develop national culture."

Article 70

The term of office of the President shall be five years, and the President shall not be reelected.

Article 71

If the office of the presidency is vacant or the President is unable to perform his duties for any reason, the Prime Minister or the members of the State Council in the order of priority as determined by Act shall act for him.

Article 72

The President may submit important policies relating to diplomacy, national defense, unification and other matters relating to the national destiny to a national referendum if he deems it necessary.

Article 73

The President shall conclude and ratify treaties; accredit, receive or dispatch diplomatic envoys; and declare war and conclude peace.

Article 74

(1) The President shall be Commander in Chief of the Armed Forces under the conditions as prescribed by the Constitution and Act.

(2) The organization and formation of the Armed Forces shall be determined by Act.

Article 75

The President may issue presidential decrees concerning matters delegated to him by Act with the scope specifically defined and also matters necessary to enforce Acts.

Article 76

(1) In time of internal turmoil, external menace, natural calamity or a grave financial or economic crisis, the President may take in respect to them the minimum necessary financial and economic actions or issue orders having the effect of Act, only when it is required to take urgent measures for the maintenance of national security or public peace and order, and there is no time to await the convocation of the National Assembly.

(2) In case of major hostilities affecting national security, the President may issue orders having the effect of Act, only when it is required to preserve the integrity of the nation, and it is impossible to convene the National Assembly.

(3) In case actions are taken or orders are issued under paragraphs (1) and (2), the President shall promptly notify it to the National Assembly and obtain its approval.

(4) In case no approval is obtained, the actions or orders shall lose effect forthwith. In such case, the Acts which were amended or abolished by the orders in question shall automatically regain their original effect at the moment the orders fail to obtain approval.

(5) The President shall, without delay, put on public notice developments under paragraphs (3) and (4).

Article 77

(1) When it is required to cope with a military necessity or to maintain the public safety and order by mobilization of the military forces in time of war, armed conflict or similar national emergency, the President may proclaim martial law under the conditions as prescribed by Act.

(2) Martial law shall be of two types: extraordinary martial law and precautionary martial law.

(3) Under extraordinary martial law, special measures may be taken with respect to the necessity for warrants, freedom of speech, the press, assembly and association, or the powers of the Executive and the Judiciary under the conditions as prescribed by Act.

(4) When the President has proclaimed martial law, he shall notify it to the National Assembly without delay.

(5) When the National Assembly requests the lifting of martial law with the concurrent vote of a majority of the total members of the National Assembly, the President shall comply.

Article 78

The President shall appoint and dismiss public officials under the conditions as prescribed by the Constitution and Act.

Article 79

(1) The President may grant amnesty, commutation and restoration of rights under the conditions as prescribed by Act.

(2) The President shall receive the consent of the National Assembly in granting a general amnesty.

(3) Matters pertaining to amnesty, commutation and restoration of rights shall be determined by Act.

Article 80

The President shall award decorations and other honors under the conditions as prescribed by Act.

Article 81

The President may attend and address the National Assembly or express his views by written message.

Article 82

The acts of the President under law shall be executed in writing, and such documents shall be countersigned by the Prime Minister and the members of the State Council concerned. The same shall apply to military affairs.

Article 83

The President shall not concurrently hold the office of Prime Minister, a member of the State Council, the head of any Executive Ministry, nor other public or private posts as prescribed by Act.

Article 84

The President shall not be charged with a criminal offense during his tenure of office except for insurrection or treason.

Article 85

Matters pertaining to the status and courteous treatment of former Presidents shall be determined by Act.

SECTION 2 The Executive Branch

Sub-Section 1 The Prime Minister and Members of the State Council

Article 86

- (1) The Prime Minister shall be appointed by the President with the consent of the National Assembly.
- (2) The Prime Minister shall assist the President and shall direct the Executive Ministries under order of the President.
- (3) No member of the military shall be appointed Prime Minister unless he is retired from active duty.

Article 87

- (1) The members of the State Council shall be appointed by the President on the recommendation of the Prime Minister.
- (2) The members of the State Council shall assist the President in the conduct of State affairs and, as constituents of the State Council, shall deliberate on State affairs.
- (3) The Prime Minister may recommend to the President the removal of a member of the State Council from office.
- (4) No member of the military shall be appointed a member of the State Council unless he is retired from active duty.

Sub-Section 2 The State Council

Article 88

- (1) The State Council shall deliberate on important policies that fall within the power of the Executive.
- (2) The State Council shall be composed of the President, the Prime Minister, and other members whose number shall be no more than thirty and no less than fifteen.

(3) The President shall be the chairman of the State Council, and the Prime Minister shall be the Vice Chairman.

Article 89

The following matters shall be referred to the State Council for deliberation:

1. Basic plans for state affairs, and general policies of the Executive;
2. Declaration of war, conclusion of peace and other important matters pertaining to foreign policy;
3. Draft amendments to the Constitution, proposals for national referendums, proposed treaties, legislative bills, and proposed presidential decrees;
4. Budgets, settlement of accounts, basic plans for disposal of state properties, contracts incurring financial obligation on the State, and other important financial matters;
5. Emergency orders and emergency financial and economic actions or orders by the President, and declaration and termination of martial law;
6. Important military affairs;
7. Requests for convening an extraordinary session of the National Assembly;
8. Awarding of honors;
9. Granting of amnesty, commutation and restoration of rights;
10. Demarcation of jurisdiction between Executive Ministries;
11. Basic plans concerning delegation or allocation of powers within the Executive;
12. Evaluation and analysis of the administration of State

affairs;

13. Formulation and coordination of important policies of each Executive Ministry;
14. Action for the dissolution of a political party;
15. Examination of petitions pertaining to executive policies submitted or referred to the Executive;
16. Appointment of the Prosecutor General, the Chairman of the Joint Chiefs of Staff, the Chief of Staff of each armed service, the presidents of national universities, ambassadors, and such other public officials and managers of important State run enterprises as designated by Act; and
17. Other matters presented by the President, the Prime Minister or a member of the State Council.

Article 90

- (1) An Advisory Council of Elder Statesmen, composed of elder statesmen, may be established to advise the President on important affairs of State.
- (2) The immediate former President shall become the Chairman of the Advisory Council of Elder Statesmen: *Provided*, That if there is no immediate former President, the President shall appoint the Chairman.
- (3) The organization, function and other necessary matters pertaining to the Advisory Council of Elder Statesmen shall be determined by Act.

Article 91

- (1) A National Security Council shall be established to advise the President on the formulation of foreign, military and domestic policies related to national security prior to their deliberation by the State Council.

(2) The meetings of the National Security Council shall be presided over by the President.

(3) The organization, function and other necessary matters pertaining to the National Security Council shall be determined by Act.

Article 92

(1) An Advisory Council on Democratic and Peaceful Unification may be established to advise the President on the formulation of peaceful unification policy.

(2) The organization, function and other necessary matters pertaining to the Advisory Council on Democratic and Peaceful Unification shall be determined by Act.

Article 93

(1) A National Economic Advisory Council may be established to advise the President on the formulation of important policies for developing the national economy.

(2) The organization, function and other necessary matters pertaining to the National Economic Advisory Council shall be determined by Act.

Sub-Section 3 The Executive Ministries

Article 94

Heads of Executive Ministries shall be appointed by the President from among members of the State Council on the recommendation of the Prime Minister.

Article 95

The Prime Minister or the head of each Executive Ministry may, under the powers delegated by Act or Presidential Decree, or ex officio, issue ordinances of the Prime Minister or the Executive Ministry concerning matters that are

within their jurisdiction.

Article 96

The establishment, organization and function of each Executive Ministry shall be determined by Act.

Sub-Section 4 The Board of Audit and Inspection

Article 97

The Board of Audit and Inspection shall be established under the direct jurisdiction of the President to inspect and examine the settlement of the revenues and expenditures of the State, the accounts of the State and other organizations specified by Act and the job performances of the executive agencies and public officials.

Article 98

(1) The Board of Audit and Inspection shall be composed of no less than five and no more than eleven members, including the Chairman.

(2) The Chairman of the Board shall be appointed by the President with the consent of the National Assembly. The term of office of the Chairman shall be four years, and he may be reappointed only once.

(3) The members of the Board shall be appointed by the President on the recommendation of the Chairman. The term of office of the members shall be four years, and they may be reappointed only once.

Article 99

The Board of Audit and Inspection shall inspect the closing of accounts of revenues and expenditures each year, and report the results to the President and the National Assembly in the following year.

Article 100

The organization and function of the Board of Audit and Inspection, the qualifications of its members, the range of the public officials subject to inspection and other necessary matters shall be determined by Act.

CHAPTER V THE COURTS

Article 101

- (1) Judicial power shall be vested in courts composed of judges.
- (2) The courts shall be composed of the Supreme Court, which is the highest court of the State, and other courts at specified levels.
- (3) Qualifications for judges shall be determined by Act.

Article 102

- (1) Departments may be established in the Supreme Court.
- (2) There shall be Supreme Court Justices at the Supreme Court: *Provided*, That judges other than Supreme Court Justices may be assigned to the Supreme Court under the conditions as prescribed by Act.
- (3) The organization of the Supreme Court and lower courts shall be determined by Act.

Article 103

Judges shall rule independently according to their conscience and in conformity with the Constitution and Act.

Article 104

- (1) The Chief Justice of the Supreme Court shall be appointed by the President with the consent of the National Assembly.

(2) The Supreme Court Justices shall be appointed by the President on the recommendation of the Chief Justice and with the consent of the National Assembly.

(3) Judges other than the Chief Justice and the Supreme Court Justices shall be appointed by the Chief Justice with the consent of the Conference of Supreme Court Justices.

Article 105

(1) The term of office of the Chief Justice shall be six years and he shall not be reappointed.

(2) The term of office of the Justices of the Supreme Court shall be six years and they may be reappointed as prescribed by Act.

(3) The term of office of judges other than the Chief Justice and Justices of the Supreme Court shall be ten years, and they may be reappointed under the conditions as prescribed by Act.

(4) The retirement age of judges shall be determined by Act.

Article 106

(1) No judge shall be removed from office except by impeachment or a sentence of imprisonment without prison labor or heavier punishment, nor shall he be suspended from office, have his salary reduced or suffer any other unfavorable treatment except by disciplinary action.

(2) In the event a judge is unable to discharge his official duties because of serious mental or physical impairment, he may be retired from office under the conditions as prescribed by Act.

Article 107

(1) When the constitutionality of a law is at issue in a trial,

the court shall request a decision of the Constitutional Court, and shall judge according to the decision thereof.

(2) The Supreme Court shall have the power to make a final review of the constitutionality or legality of administrative decrees, regulations or actions, when their constitutionality or legality is at issue in a trial.

(3) Administrative appeals may be conducted as a procedure prior to a judicial trial. The procedure of administrative appeals shall be determined by Act and shall be in conformity with the principles of judicial procedures.

Article 108

The Supreme Court may establish, within the scope of Act, regulations pertaining to judicial proceedings and internal discipline and regulations on administrative matters of the court.

Article 109

Trials and decisions of the courts shall be open to the public: *Provided*, That when there is a danger that such trials may undermine the national security or disturb public safety and order, or be harmful to public morals, trials may be closed to the public by court decision.

Article 110

(1) Courts martial may be established as special courts to exercise jurisdiction over military trials.

(2) The Supreme Court shall have the final appellate jurisdiction over courts martial.

(3) The organization and authority of courts martial, and the qualifications of their judges shall be determined by Act.

(4) Military trials under an extraordinary martial law may not be appealed in case of crimes of soldiers and employees

of the military; military espionage; and crimes as defined by Act in regard to sentinels, sentry posts, supply of harmful foods and beverages, and prisoners of war, except in the case of a death sentence.

CHAPTER VI THE CONSTITUTIONAL COURT

Article 111

(1) The Constitutional Court shall have jurisdiction over the following matters:

1. The constitutionality of a law upon the request of the courts;
2. Impeachment;
3. Dissolution of a political party;
4. Competence disputes between State agencies, between State agencies and local governments, and between local governments; and
5. Constitutional complaint as prescribed by Act.

(2) The Constitutional Court shall be composed of nine Justices qualified to be court judges, and they shall be appointed by the President.

(3) Among the Justices referred to in paragraph (2), three shall be appointed from persons selected by the National Assembly, and three appointed from persons nominated by the Chief Justice of the Supreme Court.

(4) The president of the Constitutional Court shall be appointed by the President from among the Justices with the consent of the National Assembly.

Article 112

(1) The term of office of the Justices of the Constitutional

Court shall be six years and they may be reappointed under the conditions as prescribed by Act.

(2) The Justices of the Constitutional Court shall not join any political party, nor shall they participate in political activities.

(3) No Justice of the Constitutional Court shall be expelled from office except by impeachment or a sentence of imprisonment without prison labor or heavier punishment.

Article 113

(1) When the Constitutional Court makes a decision of the unconstitutionality of a law, a decision of impeachment, a decision of dissolution of a political party or an affirmative decision regarding the constitutional complaint, the concurrence of six Justices or more shall be required.

(2) The Constitutional Court may establish regulations relating to its proceedings and internal discipline and regulations on administrative matters within the limits of Act.

(3) The organization, function and other necessary matters of the Constitutional Court shall be determined by Act.

CHAPTER VII ELECTION MANAGEMENT

Article 114

(1) Election commissions shall be established for the purpose of fair management of elections and national referenda, and dealing with administrative affairs concerning political parties.

(2) The National Election Commission shall be composed of three members appointed by the President, three members selected by the National Assembly, and three members

designated by the Chief Justice of the Supreme Court. The Chairman of the Commission shall be elected from among the members.

(3) The term of office of the members of the Commission shall be six years.

(4) The members of the Commission shall not join political parties, nor shall they participate in political activities.

(5) No member of the Commission shall be expelled from office except by impeachment or a sentence of imprisonment without prison labor or heavier punishment.

(6) The National Election Commission may establish, within the limit of Acts and decrees, regulations relating to the management of elections, national referenda, and administrative affairs concerning political parties and may also establish regulations relating to internal discipline that are compatible with Act.

(7) The organization, function and other necessary matters of the election commissions at each level shall be determined by Act.

Article 115

(1) Election commissions at each level may issue necessary instructions to administrative agencies concerned with respect to administrative affairs pertaining to elections and national referenda such as the preparation of the pollbooks.

(2) Administrative agencies concerned, upon receipt of such instructions, shall comply.

Article 116

(1) Election campaigns shall be conducted under the management of the election commissions at each level within the limit set by Act. Equal opportunity shall be guaranteed.

(2) Except as otherwise prescribed by Act, expenditures for elections shall not be imposed on political parties or candidates.

CHAPTER VIII LOCAL AUTONOMY

Article 117

(1) Local governments shall deal with administrative matters pertaining to the welfare of local residents, manage properties, and may enact provisions relating to local autonomy, within the limit of Acts and subordinate statutes.

(2) The types of local governments shall be determined by Act.

Article 118

(1) A local government shall have a council.

(2) The organization and powers of local councils, and the election of members; election procedures for heads of local governments; and other matters pertaining to the organization and operation of local governments shall be determined by Act.

CHAPTER IX THE ECONOMY

Article 119

(1) The economic order of the Republic of Korea shall be based on a respect for the freedom and creative initiative of enterprises and individuals in economic affairs.

(2) The State may regulate and coordinate economic affairs in order to maintain the balanced growth and stability of the national economy, to ensure proper distribution of income, to

prevent the domination of the market and the abuse of economic power and to democratize the economy through harmony among the economic agents.

Article 120

(1) Licenses to exploit, develop or utilize minerals and all other important underground resources, marine resources, water power, and natural powers available for economic use may be granted for a period of time under the conditions as prescribed by Act.

(2) The land and natural resources shall be protected by the State, and the State shall establish a plan necessary for their balanced development and utilization.

Article 121

(1) The State shall endeavor to realize the land to the tillers principle with respect to agricultural land. Tenant farming shall be prohibited.

(2) The leasing of agricultural land and the consignment management of agricultural land to increase agricultural productivity and to ensure the rational utilization of agricultural land or due to unavoidable circumstances, shall be recognized under the conditions as prescribed by Act.

Article 122

The State may impose, under the conditions as prescribed by Act, restrictions or obligations necessary for the efficient and balanced utilization, development and preservation of the land of the nation that is the basis for the productive activities and daily lives of all citizens.

Article 123

(1) The State shall establish and implement a plan to comprehensively develop and support the farm and fishing

communities in order to protect and foster agriculture and fisheries.

(2) The State shall have the duty to foster regional economies to ensure the balanced development of all regions.

(3) The State shall protect and foster small and medium enterprises.

(4) In order to protect the interests of farmers and fishermen, the State shall endeavor to stabilize the prices of agricultural and fishery products by maintaining an equilibrium between the demand and supply of such products and improving their marketing and distribution systems.

(5) The State shall foster organizations founded on the spirit of self help among farmers, fishermen and businessmen engaged in small and medium industry and shall guarantee their independent activities and development.

Article 124

The State shall guarantee the consumer protection movement intended to encourage sound consumption activities and improvement in the quality of products under the conditions as prescribed by Act.

Article 125

The State shall foster foreign trade, and may regulate and coordinate it.

Article 126

Private enterprises shall not be nationalized nor transferred to ownership by a local government, nor shall their management be controlled or administered by the State, except in cases as prescribed by Act to meet urgent necessities of national defense or the national economy.

Article 127

- (1) The State shall strive to develop the national economy by developing science and technology, information and human resources and encouraging innovation.
- (2) The State shall establish a system of national standards.
- (3) The President may establish advisory organizations necessary to achieve the purpose referred to in paragraph (1).

CHAPTER X AMENDMENTS TO THE CONSTITUTION

Article 128

- (1) A proposal to amend the Constitution shall be introduced either by a majority of the total members of the National Assembly or by the President.
- (2) Amendments to the Constitution for the extension of the term of office of the President or for a change allowing for the reelection of the President shall not be effective for the President in office at the time of the proposal for such amendments to the Constitution.

Article 129

Proposed amendments to the Constitution shall be put before the public by the President for twenty days or more.

Article 130

- (1) The National Assembly shall decide upon the proposed amendments within sixty days of the public announcement, and passage by the National Assembly shall require the concurrent vote of two thirds or more of the total members of the National Assembly.
- (2) The proposed amendments to the Constitution shall be submitted to a national referendum not later than thirty

days after passage by the National Assembly, and shall be determined by more than one half of all votes cast by more than one half of voters eligible to vote in elections for members of the National Assembly.

(3) When the proposed amendments to the Constitution receive the concurrence prescribed in paragraph (2), the amendments to the Constitution shall be finalized, and the President shall promulgate it without delay.

ADDENDA

Article 1

This Constitution shall enter into force on the twenty fifth day of February, anno Domini Nineteen hundred and eighty eight: *Provided*, That the enactment or amendment of Acts necessary to implement this Constitution, the elections of the President and the National Assembly under this Constitution and other preparations to implement this Constitution may be carried out prior to the entry into force of this Constitution.

Article 2

(1) The first presidential election under this Constitution shall be held not later than forty days before this Constitution enters into force.

(2) The term of office of the first President under this Constitution shall commence on the date of its enforcement.

Article 3

(1) The first elections of the National Assembly under this Constitution shall be held within six months from the promulgation of this Constitution. The term of office of the

members of the first National Assembly elected under this Constitution shall commence on the date of the first convening of the National Assembly under this Constitution.

(2) The term of office of the members of the National Assembly incumbent at the time this Constitution is promulgated shall terminate the day prior to the first convening of the National Assembly under paragraph (1).

Article 4

(1) Public officials and officers of enterprises appointed by the Government, who are in office at the time of the enforcement of this Constitution, shall be considered as having been appointed under this Constitution: *Provided*, That public officials whose election procedures or appointing authorities are changed under this Constitution, the Chief Justice of the Supreme Court and the Chairman of the Board of Audit and Inspection shall remain in office until such time as their successors are chosen under this Constitution, and their terms of office shall terminate the day before the installation of their successors.

(2) Judges attached to the Supreme Court who are not the Chief Justice or Justices of the Supreme Court and who are in office at the time of the enforcement of this Constitution shall be considered as having been appointed under this Constitution notwithstanding the proviso of paragraph (1).

(3) Those provisions of this Constitution which prescribe the terms of office of public officials or which restrict the number of terms that public officials may serve, shall take effect upon the dates of the first elections or the first appointments of such public officials under this Constitution.

Article 5

Acts, decrees, ordinances and treaties in force at the time this Constitution enters into force, shall remain valid unless they are contrary to this Constitution.

Article 6

Those organizations existing at the time of the enforcement of this Constitution which have been performing the functions falling within the authority of new organizations to be created under this Constitution, shall continue to exist and perform such functions until such time as the new organizations are created under this Constitution.

Annex 575

National Environmental Policy Act, No. 6.938/81, 31 August 1981 (Portuguese original and English machine translation of Article 14)

Translated Extract of ‘National Environmental Policy Act, No. 6.938/81, 31 August 1981’,
Article 14

[. . .]

Art. 14 – Without prejudice to the penalties defined by federal, state and municipal legislation, failure to comply with the measures necessary to preserve or correct the inconveniences and damage caused by the degradation of environmental quality will subject offenders:

I - a simple or daily fine of at least 10 (ten) and at most 1,000 (one thousand) National Treasury Adjustable Obligations (ORTNs), increased in cases of specific recidivism, in accordance with the regulations, which may not be levied by the Federal Government if it has already been levied by the State, Federal District, Territories or Municipalities.

II - the loss or restriction of tax incentives and benefits granted by the Government.

III - the loss or suspension of participation in financing lines with official credit establishments.

IV - the suspension of its activity.

§ Without prejudice to the application of the penalties provided for in this article, the polluter is obliged, regardless of fault, to indemnify or repair the damage caused to the environment and to third parties affected by its activity. The Federal and State Public Prosecutor's Offices shall have legal standing to bring civil and criminal liability actions for damage caused to the environment.

§ Paragraph 2 In the event of failure to act by the state or municipal authority, the Secretary for the Environment shall be responsible for imposing the financial penalties provided for in this article.

§ Paragraph 3 In the cases provided for in items II and III of this article, the declaratory act of loss, restriction or suspension shall be the responsibility of the administrative or financial authority that granted the benefits, incentives or financing, in compliance with a CONAMA resolution.

§ Paragraph 4 (Repealed by Law 9.966 of 2000)

§ 5o The execution of the guarantees demanded of the polluter does not prevent the application of the obligations to indemnify and repair damages provided for in § 1 of this article. (Included by Law nº 11.284, of 2006)

[. . .]



Presidência da República
Casa Civil
Subchefia para Assuntos Jurídicos

LEI Nº 6.938, DE 31 DE AGOSTO DE 1981

[Regulamento](#)

[Mensagem de veto](#)

[\(Vide Decreto de 15 de setembro de 2010\)](#)

Dispõe sobre a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, e dá outras providências.

O PRESIDENTE DA REPÚBLICA, Faço saber que o Congresso Nacional decreta e eu sanciono a seguinte Lei:

Art 1º - Esta lei, com fundamento nos [incisos VI e VII do art. 23](#) e no [art. 235 da Constituição](#), estabelece a Política Nacional do Meio Ambiente, seus fins e mecanismos de formulação e aplicação, constitui o Sistema Nacional do Meio Ambiente (Sisnama) e institui o Cadastro de Defesa Ambiental. [\(Redação dada pela Lei nº 8.028, de 1990\)](#)

DA POLÍTICA NACIONAL DO MEIO AMBIENTE

Art. 2º. A Política Nacional do Meio Ambiente tem por objetivo a preservação, melhoria e recuperação da qualidade ambiental propícia à vida, visando assegurar, no País, condições ao desenvolvimento sócioeconômico, aos interesses da segurança nacional e à proteção da dignidade da vida humana, atendidos os seguintes princípios:

I - ação governamental na manutenção do equilíbrio ecológico, considerando o meio ambiente como um patrimônio público a ser necessariamente assegurado e protegido, tendo em vista o uso coletivo;

II - racionalização do uso do solo, do subsolo, da água e do ar;

III - planejamento e fiscalização do uso dos recursos ambientais;

IV - proteção dos ecossistemas, com a preservação de áreas representativas;

V - controle e zoneamento das atividades potencial ou efetivamente poluidoras;

VI - incentivos ao estudo e à pesquisa de tecnologias orientadas para o uso racional e a proteção dos recursos ambientais;

VII - acompanhamento do estado da qualidade ambiental;

VIII - recuperação de áreas degradadas; [\(Regulamento\)](#)

IX - proteção de áreas ameaçadas de degradação;

X - educação ambiental a todos os níveis do ensino, inclusive a educação da comunidade, objetivando capacitá-la para participação ativa na defesa do meio ambiente.

Art. 3º - Para os fins previstos nesta Lei, entende-se por:

I - meio ambiente, o conjunto de condições, leis, influências e interações de ordem física, química e biológica, que permite, abriga e rege a vida em todas as suas formas;

II - degradação da qualidade ambiental, a alteração adversa das características do meio ambiente;

III - poluição, a degradação da qualidade ambiental resultante de atividades que direta ou indiretamente:

a) prejudiquem a saúde, a segurança e o bem-estar da população;

b) criem condições adversas às atividades sociais e econômicas;

c) afetem desfavoravelmente a biota;

d) afetem as condições estéticas ou sanitárias do meio ambiente;

e) lancem matérias ou energia em desacordo com os padrões ambientais estabelecidos;

IV - poluidor, a pessoa física ou jurídica, de direito público ou privado, responsável, direta ou indiretamente, por atividade causadora de degradação ambiental;

V - recursos ambientais: a atmosfera, as águas interiores, superficiais e subterrâneas, os estuários, o mar territorial, o solo, o subsolo, os elementos da biosfera, a fauna e a flora. ([Redação dada pela Lei nº 7.804, de 1989](#))

DOS OBJETIVOS DA POLÍTICA NACIONAL DO MEIO AMBIENTE

Art. 4º - A Política Nacional do Meio Ambiente visará:

I - à compatibilização do desenvolvimento econômico social com a preservação da qualidade do meio ambiente e do equilíbrio ecológico;

II - à definição de áreas prioritárias de ação governamental relativa à qualidade e ao equilíbrio ecológico, atendendo aos interesses da União, dos Estados, do Distrito Federal, dos Territórios e dos Municípios;

III - ao estabelecimento de critérios e padrões da qualidade ambiental e de normas relativas ao uso e manejo de recursos ambientais;

IV - ao desenvolvimento de pesquisas e de tecnologia s nacionais orientadas para o uso racional de recursos ambientais;

V - à difusão de tecnologias de manejo do meio ambiente, à divulgação de dados e informações ambientais e à formação de uma consciência pública sobre a necessidade de preservação da qualidade ambiental e do equilíbrio ecológico;

VI - à preservação e restauração dos recursos ambientais com vistas á sua utilização racional e disponibilidade permanente, concorrendo para a manutenção do equilíbrio ecológico propício à vida;

VII - à imposição, ao poluidor e ao predador, da obrigação de recuperar e/ou indenizar os danos causados, e ao usuário, de contribuição pela utilização de recursos ambientais com fins econômicos.

Art. 5º - As diretrizes da Política Nacional do Meio Ambiente serão formuladas em normas e planos, destinados a orientar a ação dos Governos da União, dos Estados, do Distrito Federal, dos Territórios e dos Municípios no que se relaciona com a preservação da qualidade ambiental e manutenção do equilíbrio ecológico, observados os princípios estabelecidos no art. 2º desta Lei.

Parágrafo único. As atividades empresariais públicas ou privadas serão exercidas em consonância com as diretrizes da Política Nacional do Meio Ambiente.

DO SISTEMA NACIONAL DO MEIO AMBIENTE

Art. 6º Os órgãos e entidades da União, dos Estados, do Distrito Federal, dos Territórios e dos Municípios, bem como as fundações instituídas pelo Poder Público, responsáveis pela proteção e melhoria da qualidade ambiental, constituirão o Sistema Nacional do Meio Ambiente - SISNAMA, assim estruturado:

I - órgão superior: o Conselho de Governo, com a função de assessorar o Presidente da República na formulação da política nacional e nas diretrizes governamentais para o meio ambiente e os recursos ambientais; ([Redação dada pela Lei nº 8.028, de 1990](#))

II - órgão consultivo e deliberativo: o Conselho Nacional do Meio Ambiente (CONAMA), com a finalidade de assessorar, estudar e propor ao Conselho de Governo, diretrizes de políticas governamentais para o meio ambiente e os recursos naturais e deliberar, no âmbito de sua competência, sobre normas e padrões compatíveis com o meio ambiente ecologicamente equilibrado e essencial à sadia qualidade de vida; ([Redação dada pela Lei nº 8.028, de 1990](#))

III - órgão central: a Secretaria do Meio Ambiente da Presidência da República, com a finalidade de planejar, coordenar, supervisionar e controlar, como órgão federal, a política nacional e as diretrizes governamentais fixadas para o meio ambiente; ([Redação dada pela Lei nº 8.028, de 1990](#))

IV - órgãos executores: o Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis - IBAMA e o Instituto Chico Mendes de Conservação da Biodiversidade - Instituto Chico Mendes, com a finalidade de executar e fazer executar a política e as diretrizes governamentais fixadas para o meio ambiente, de acordo com as respectivas competências; ([Redação dada pela Lei nº 12.856, de 2013](#))

V - Órgãos Seccionais: os órgãos ou entidades estaduais responsáveis pela execução de programas, projetos e pelo controle e fiscalização de atividades capazes de provocar a degradação ambiental; ([Redação dada pela Lei nº 7.804, de 1989](#))

VI - Órgãos Locais: os órgãos ou entidades municipais, responsáveis pelo controle e fiscalização dessas atividades, nas suas respectivas jurisdições; [\(Incluído pela Lei nº 7.804, de 1989\)](#)

§ 1º - Os Estados, na esfera de suas competências e nas áreas de sua jurisdição, elaborarão normas supletivas e complementares e padrões relacionados com o meio ambiente, observados os que forem estabelecidos pelo CONAMA.

§ 2º Os Municípios, observadas as normas e os padrões federais e estaduais, também poderão elaborar as normas mencionadas no parágrafo anterior.

§ 3º Os órgãos central, setoriais, seccionais e locais mencionados neste artigo deverão fornecer os resultados das análises efetuadas e sua fundamentação, quando solicitados por pessoa legitimamente interessada.

§ 4º De acordo com a legislação em vigor, é o Poder Executivo autorizado a criar uma Fundação de apoio técnico científico às atividades do IBAMA. [\(Redação dada pela Lei nº 7.804, de 1989\)](#)

DO CONSELHO NACIONAL DO MEIO AMBIENTE

Art. 7º [\(Revogado pela Lei nº 8.028, de 1990\)](#)

Art. 8º Compete ao CONAMA: [\(Redação dada pela Lei nº 8.028, de 1990\)](#)

I - estabelecer, mediante proposta do IBAMA, normas e critérios para o licenciamento de atividades efetiva ou potencialmente poluidoras, a ser concedido pelos Estados e supervisionado pelo IBAMA; [\(Redação dada pela Lei nº 7.804, de 1989\)](#)

II - determinar, quando julgar necessário, a realização de estudos das alternativas e das possíveis consequências ambientais de projetos públicos ou privados, requisitando aos órgãos federais, estaduais e municipais, bem assim a entidades privadas, as informações indispensáveis para apreciação dos estudos de impacto ambiental, e respectivos relatórios, no caso de obras ou atividades de significativa degradação ambiental, especialmente nas áreas consideradas patrimônio nacional. [\(Redação dada pela Lei nº 8.028, de 1990\)](#)

III - [\(Revogado pela Lei nº 11.941, de 2009\)](#)

IV - homologar acordos visando à transformação de penalidades pecuniárias na obrigação de executar medidas de interesse para a proteção ambiental; [\(VETADO\)](#);

V - determinar, mediante representação do IBAMA, a perda ou restrição de benefícios fiscais concedidos pelo Poder Público, em caráter geral ou condicional, e a perda ou suspensão de participação em linhas de financiamento em estabelecimentos oficiais de crédito; [\(Redação dada pela Lei nº 7.804, de 1989\)](#)

VI - estabelecer, privativamente, normas e padrões nacionais de controle da poluição por veículos automotores, aeronaves e embarcações, mediante audiência dos Ministérios competentes;

VII - estabelecer normas, critérios e padrões relativos ao controle e à manutenção da qualidade do meio ambiente com vistas ao uso racional dos recursos ambientais, principalmente os hídricos.

Parágrafo único. O Secretário do Meio Ambiente é, sem prejuízo de suas funções, o Presidente do Conama. [\(Incluído pela Lei nº 8.028, de 1990\)](#)

DOS INSTRUMENTOS DA POLÍTICA NACIONAL DO MEIO AMBIENTE

Art. 9º - São Instrumentos da Política Nacional do Meio Ambiente:

I - o estabelecimento de padrões de qualidade ambiental;

II - o zoneamento ambiental; [\(Regulamento\)](#)

III - a avaliação de impactos ambientais;

IV - o licenciamento e a revisão de atividades efetiva ou potencialmente poluidoras;

V - os incentivos à produção e instalação de equipamentos e a criação ou absorção de tecnologia, voltados para a melhoria da qualidade ambiental;

VI - a criação de espaços territoriais especialmente protegidos pelo Poder Público federal, estadual e municipal, tais como áreas de proteção ambiental, de relevante interesse ecológico e reservas extrativistas; [\(Redação dada pela Lei nº 7.804, de 1989\)](#)

VII - o sistema nacional de informações sobre o meio ambiente;

VIII - o Cadastro Técnico Federal de Atividades e Instrumento de Defesa Ambiental;

IX - as penalidades disciplinares ou compensatórias ao não cumprimento das medidas necessárias à preservação ou correção da degradação ambiental.

X - a instituição do Relatório de Qualidade do Meio Ambiente, a ser divulgado anualmente pelo Instituto Brasileiro do Meio Ambiente e Recursos Naturais Renováveis - IBAMA; [\(Incluído pela Lei nº 7.804, de 1989\)](#)

XI - a garantia da prestação de informações relativas ao Meio Ambiente, obrigando-se o Poder Público a produzi-las, quando inexistentes; [\(Incluído pela Lei nº 7.804, de 1989\)](#)

XII - o Cadastro Técnico Federal de atividades potencialmente poluidoras e/ou utilizadoras dos recursos ambientais. [\(Incluído pela Lei nº 7.804, de 1989\)](#)

XIII - instrumentos econômicos, como concessão florestal, servidão ambiental, seguro ambiental e outros. [\(Incluído pela Lei nº 11.284, de 2006\)](#)

Art. 9º-A. O proprietário ou possuidor de imóvel, pessoa natural ou jurídica, pode, por instrumento público ou particular ou por termo administrativo firmado perante órgão integrante do Sisnama, limitar o uso de toda a sua propriedade ou de parte dela para preservar, conservar ou recuperar os recursos ambientais existentes, instituindo servidão ambiental. [\(Redação dada pela Lei nº 12.651, de 2012\).](#)

§ 1º O instrumento ou termo de instituição da servidão ambiental deve incluir, no mínimo, os seguintes itens: [\(Redação dada pela Lei nº 12.651, de 2012\).](#)

I - memorial descritivo da área da servidão ambiental, contendo pelo menos um ponto de amarração georreferenciado; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

II - objeto da servidão ambiental; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

III - direitos e deveres do proprietário ou possuidor instituidor; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

IV - prazo durante o qual a área permanecerá como servidão ambiental. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

§ 2º A servidão ambiental não se aplica às Áreas de Preservação Permanente e à Reserva Legal mínima exigida. [\(Redação dada pela Lei nº 12.651, de 2012\).](#)

§ 3º A restrição ao uso ou à exploração da vegetação da área sob servidão ambiental deve ser, no mínimo, a mesma estabelecida para a Reserva Legal. [\(Redação dada pela Lei nº 12.651, de 2012\).](#)

§ 4º Devem ser objeto de averbação na matrícula do imóvel no registro de imóveis competente: [\(Redação dada pela Lei nº 12.651, de 2012\).](#)

I - o instrumento ou termo de instituição da servidão ambiental; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

II - o contrato de alienação, cessão ou transferência da servidão ambiental. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

§ 5º Na hipótese de compensação de Reserva Legal, a servidão ambiental deve ser averbada na matrícula de todos os imóveis envolvidos. [\(Redação dada pela Lei nº 12.651, de 2012\).](#)

§ 6º É vedada, durante o prazo de vigência da servidão ambiental, a alteração da destinação da área, nos casos de transmissão do imóvel a qualquer título, de desmembramento ou de retificação dos limites do imóvel. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

§ 7º As áreas que tenham sido instituídas na forma de servidão florestal, nos termos do art. 44-A da Lei nº 4.771, de 15 de setembro de 1965, passam a ser consideradas, pelo efeito desta Lei, como de servidão ambiental. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

Art. 9º-B. A servidão ambiental poderá ser onerosa ou gratuita, temporária ou perpétua. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

§ 1º O prazo mínimo da servidão ambiental temporária é de 15 (quinze) anos. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

§ 2º A servidão ambiental perpétua equivale, para fins creditícios, tributários e de acesso aos recursos de fundos públicos, à Reserva Particular do Patrimônio Natural - RPPN, definida no art. 21 da Lei nº 9.985, de 18 de julho de 2000. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

§ 3º O detentor da servidão ambiental poderá aliená-la, cedê-la ou transferi-la, total ou parcialmente, por prazo determinado ou em caráter definitivo, em favor de outro proprietário ou de entidade pública ou privada que tenha a conservação ambiental como fim social. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

Art. 9º-C. O contrato de alienação, cessão ou transferência da servidão ambiental deve ser averbado na matrícula do imóvel. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

§ 1º O contrato referido no caput deve conter, no mínimo, os seguintes itens: [\(Incluído pela Lei nº 12.651, de 2012\).](#)

I - a delimitação da área submetida a preservação, conservação ou recuperação ambiental; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

II - o objeto da servidão ambiental; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

III - os direitos e deveres do proprietário instituidor e dos futuros adquirentes ou sucessores; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

IV - os direitos e deveres do detentor da servidão ambiental; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

V - os benefícios de ordem econômica do instituidor e do detentor da servidão ambiental; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

VI - a previsão legal para garantir o seu cumprimento, inclusive medidas judiciais necessárias, em caso de ser descumprido. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

§ 2º São deveres do proprietário do imóvel serviente, entre outras obrigações estipuladas no contrato: [\(Incluído pela Lei nº 12.651, de 2012\).](#)

I - manter a área sob servidão ambiental; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

II - prestar contas ao detentor da servidão ambiental sobre as condições dos recursos naturais ou artificiais; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

III - permitir a inspeção e a fiscalização da área pelo detentor da servidão ambiental; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

IV - defender a posse da área serviente, por todos os meios em direito admitidos. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

§ 3º São deveres do detentor da servidão ambiental, entre outras obrigações estipuladas no contrato: [\(Incluído pela Lei nº 12.651, de 2012\).](#)

I - documentar as características ambientais da propriedade; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

II - monitorar periodicamente a propriedade para verificar se a servidão ambiental está sendo mantida; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

III - prestar informações necessárias a quaisquer interessados na aquisição ou aos sucessores da propriedade; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

IV - manter relatórios e arquivos atualizados com as atividades da área objeto da servidão; [\(Incluído pela Lei nº 12.651, de 2012\).](#)

V - defender judicialmente a servidão ambiental. [\(Incluído pela Lei nº 12.651, de 2012\).](#)

Art. 10. A construção, instalação, ampliação e funcionamento de estabelecimentos e atividades utilizadores de recursos ambientais, efetiva ou potencialmente poluidores ou capazes, sob qualquer forma, de causar degradação ambiental

dependerão de prévio licenciamento ambiental. [\(Redação dada pela Lei Complementar nº 140, de 2011\)](#)

§ 1º Os pedidos de licenciamento, sua renovação e a respectiva concessão serão publicados no jornal oficial, bem como em periódico regional ou local de grande circulação, ou em meio eletrônico de comunicação mantido pelo órgão ambiental competente. [\(Redação dada pela Lei Complementar nº 140, de 2011\)](#)

§ 2º (Revogado). [\(Redação dada pela Lei Complementar nº 140, de 2011\)](#)

§ 3º (Revogado). [\(Redação dada pela Lei Complementar nº 140, de 2011\)](#)

§ 4º (Revogado). [\(Redação dada pela Lei Complementar nº 140, de 2011\)](#)

Art. 11. Compete ao IBAMA propor ao CONAMA normas e padrões para implantação, acompanhamento e fiscalização do licenciamento previsto no artigo anterior, além das que forem oriundas do próprio CONAMA. [\(Vide Lei nº 7.804, de 1989\)](#)

§ 1º [\(Revogado pela Lei Complementar nº 140, de 2011\)](#)

§ 2º Inclui-se na competência da fiscalização e controle a análise de projetos de entidades, públicas ou privadas, objetivando a preservação ou a recuperação de recursos ambientais, afetados por processos de exploração predatórios ou poluidores.

Art. 12. As entidades e órgãos de financiamento e incentivos governamentais condicionarão a aprovação de projetos habilitados a esses benefícios ao licenciamento, na forma desta Lei, e ao cumprimento das normas, dos critérios e dos padrões expedidos pelo CONAMA.

Parágrafo único. As entidades e órgãos referidos no caput deste artigo deverão fazer constar dos projetos a realização de obras e aquisição de equipamentos destinados ao controle de degradação ambiental e a melhoria da qualidade do meio ambiente.

Art. 13. O Poder Executivo incentivará as atividades voltadas ao meio ambiente, visando:

I - ao desenvolvimento, no País, de pesquisas e processos tecnológicos destinados a reduzir a degradação da qualidade ambiental;

II - à fabricação de equipamentos antipoluidores;

III - a outras iniciativas que propiciem a racionalização do uso de recursos ambientais.

Parágrafo único. Os órgãos, entidades e programas do Poder Público, destinados ao incentivo das pesquisas científicas e tecnológicas, considerarão, entre as suas metas prioritárias, o apoio aos projetos que visem a adquirir e desenvolver conhecimentos básicos e aplicáveis na área ambiental e ecológica.

Art. 14 - Sem prejuízo das penalidades definidas pela legislação federal, estadual e municipal, o não cumprimento das medidas necessárias à preservação ou correção dos inconvenientes e danos causados pela degradação da qualidade ambiental sujeitará os transgressores:

I - à multa simples ou diária, nos valores correspondentes, no mínimo, a 10 (dez) e, no máximo, a 1.000 (mil) Obrigações Reajustáveis do Tesouro Nacional - ORTNs, agravada em casos de reincidência específica, conforme dispuser o regulamento, vedada a sua cobrança pela União se já tiver sido aplicada pelo Estado, Distrito Federal, Territórios ou pelos Municípios;

II - à perda ou restrição de incentivos e benefícios fiscais concedidos pelo Poder Público;

III - à perda ou suspensão de participação em linhas de financiamento em estabelecimentos oficiais de crédito;

IV - à suspensão de sua atividade.

§ 1º Sem obstar a aplicação das penalidades previstas neste artigo, é o poluidor obrigado, independentemente da existência de culpa, a indenizar ou reparar os danos causados ao meio ambiente e a terceiros, afetados por sua atividade. O Ministério Público da União e dos Estados terá legitimidade para propor ação de responsabilidade civil e criminal, por danos causados ao meio ambiente.

§ 2º No caso de omissão da autoridade estadual ou municipal, caberá ao Secretário do Meio Ambiente a aplicação das penalidades pecuniárias prevista neste artigo.

§ 3º Nos casos previstos nos incisos II e III deste artigo, o ato declaratório da perda, restrição ou suspensão será atribuição da autoridade administrativa ou financeira que concedeu os benefícios, incentivos ou financiamento, cumprimento resolução do CONAMA.

§ 4º [\(Revogado pela Lei nº 9.966, de 2000\)](#)

§ 5º A execução das garantias exigidas do poluidor não impede a aplicação das obrigações de indenização e reparação de danos previstas no § 1º deste artigo. [\(Incluído pela Lei nº 11.284, de 2006\)](#)

Art. 15. O poluidor que expuser a perigo a incolumidade humana, animal ou vegetal, ou estiver tomando mais grave situação de perigo existente, fica sujeito à pena de reclusão de 1 (um) a 3 (três) anos e multa de 100 (cem) a 1.000 (mil) MVR. [\(Redação dada pela Lei nº 7.804, de 1989\)](#)

§ 1º A pena é aumentada até o dobro se: [\(Redação dada pela Lei nº 7.804, de 1989\)](#)

I - resultar: [\(Incluído pela Lei nº 7.804, de 1989\)](#)

a) dano irreversível à fauna, à flora e ao meio ambiente; [\(Incluído pela Lei nº 7.804, de 1989\)](#)

b) lesão corporal grave; [\(Incluído pela Lei nº 7.804, de 1989\)](#)

II - a poluição é decorrente de atividade industrial ou de transporte; [\(Incluído pela Lei nº 7.804, de 1989\)](#)

III - o crime é praticado durante a noite, em domingo ou em feriado. [\(Incluído pela Lei nº 7.804, de 1989\)](#)

§ 2º Incorre no mesmo crime a autoridade competente que deixar de promover as medidas tendentes a impedir a prática das condutas acima descritas. [\(Redação dada pela Lei nº 7.804, de 1989\)](#)

Art. 16 - [\(Revogado pela Lei nº 7.804, de 1989\)](#)

Art. 17. Fica instituído, sob a administração do Instituto Brasileiro do Meio Ambiente e Recursos Naturais Renováveis - IBAMA: [\(Redação dada pela Lei nº 7.804, de 1989\)](#)

I - Cadastro Técnico Federal de Atividades e Instrumentos de Defesa Ambiental, para registro obrigatório de pessoas físicas ou jurídicas que se dedicam a consultoria técnica sobre problemas ecológicos e ambientais e à indústria e comércio de equipamentos, aparelhos e instrumentos destinados ao controle de atividades efetiva ou potencialmente poluidoras; [\(Incluído pela Lei nº 7.804, de 1989\)](#)

II - Cadastro Técnico Federal de Atividades Potencialmente Poluidoras ou Utilizadoras de Recursos Ambientais, para registro obrigatório de pessoas físicas ou jurídicas que se dedicam a atividades potencialmente poluidoras e/ou à extração, produção, transporte e comercialização de produtos potencialmente perigosos ao meio ambiente, assim como de produtos e subprodutos da fauna e flora. [\(Incluído pela Lei nº 7.804, de 1989\)](#)

Art. 17-A. São estabelecidos os preços dos serviços e produtos do Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis - Ibama, a serem aplicados em âmbito nacional, conforme Anexo a esta Lei. [\(Incluído pela Lei nº 9.960, de 2000\)](#) [\(Vide Medida Provisória nº 687, de 2015\)](#)

Art. 17-B. Fica instituída a Taxa de Controle e Fiscalização Ambiental – TCFA, cujo fato gerador é o exercício regular do poder de polícia conferido ao Instituto Brasileiro do Meio Ambiente e dos Recursos Naturais Renováveis – Ibama para controle e fiscalização das atividades potencialmente poluidoras e utilizadoras de recursos naturais." [\(Redação dada pela Lei nº 10.165, de 2000\)](#) [\(Vide Medida Provisória nº 687, de 2015\)](#)

§ 1º Revogado. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 2º Revogado. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

Art. 17-C. É sujeito passivo da TCFA todo aquele que exerça as atividades constantes do Anexo VIII desta Lei. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 1º O sujeito passivo da TCFA é obrigado a entregar até o dia 31 de março de cada ano relatório das atividades exercidas no ano anterior, cujo modelo será definido pelo Ibama, para o fim de colaborar com os procedimentos de controle e fiscalização. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 2º O descumprimento da providência determinada no § 1º sujeita o infrator a multa equivalente a vinte por cento da TCFA devida, sem prejuízo da exigência desta. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 3º Revogado. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

Art. 17-D. A TCFA é devida por estabelecimento e os seus valores são os fixados no Anexo IX desta Lei. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 1º Para os fins desta Lei, consideram-se: [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

I – microempresa e empresa de pequeno porte, as pessoas jurídicas que se enquadrem, respectivamente, nas descrições dos incisos I e II do *caput* do art. 2º da Lei nº 9.841, de 5 de outubro de 1999; [\(Incluído pela Lei nº 10.165, de 2000\)](#)

II – empresa de médio porte, a pessoa jurídica que tiver receita bruta anual superior a R\$ 1.200.000,00 (um milhão e duzentos mil reais) e igual ou inferior a R\$ 12.000.000,00 (doze milhões de reais); [\(Incluído pela Lei nº 10.165, de 2000\)](#)

III – empresa de grande porte, a pessoa jurídica que tiver receita bruta anual superior a R\$ 12.000.000,00 (doze milhões de reais). [\(Incluído pela Lei nº 10.165, de 2000\)](#)

§ 2º O potencial de poluição (PP) e o grau de utilização (GU) de recursos naturais de cada uma das atividades sujeitas à fiscalização encontram-se definidos no Anexo VIII desta Lei. [\(Incluído pela Lei nº 10.165, de 2000\)](#)

§ 3º Caso o estabelecimento exerça mais de uma atividade sujeita à fiscalização, pagará a taxa relativamente a apenas uma delas, pelo valor mais elevado. [\(Incluído pela Lei nº 10.165, de 2000\)](#)

Art. 17-E. É o Ibama autorizado a cancelar débitos de valores inferiores a R\$ 40,00 (quarenta reais), existentes até 31 de dezembro de 1999. [\(Incluído pela Lei nº 9.960, de 2000\)](#)

Art. 17-F. São isentas do pagamento da TCFA as entidades públicas federais, distritais, estaduais e municipais, as entidades filantrópicas, aqueles que praticam agricultura de subsistência e as populações tradicionais. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

Art. 17-G. A TCFA será devida no último dia útil de cada trimestre do ano civil, nos valores fixados no Anexo IX desta Lei, e o recolhimento será efetuado em conta bancária vinculada ao Ibama, por intermédio de documento próprio de arrecadação, até o quinto dia útil do mês subsequente. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

Parágrafo único. Revogado. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 2º Os recursos arrecadados com a TCFA terão utilização restrita em atividades de controle e fiscalização ambiental. [\(Incluído pela Lei nº 11.284, de 2006\)](#)

Art. 17-H. A TCFA não recolhida nos prazos e nas condições estabelecidas no artigo anterior será cobrada com os seguintes acréscimos: [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

I – juros de mora, na via administrativa ou judicial, contados do mês seguinte ao do vencimento, à razão de um por cento; [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

II – multa de mora de vinte por cento, reduzida a dez por cento se o pagamento for efetuado até o último dia útil do mês subsequente ao do vencimento; [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

III – encargo de vinte por cento, substitutivo da condenação do devedor em honorários de advogado, calculado sobre o total do débito inscrito como Dívida Ativa, reduzido para dez por cento se o pagamento for efetuado antes do ajuizamento da execução. [\(Incluído pela Lei nº 10.165, de 2000\)](#)

§ 1º-A. Os juros de mora não incidem sobre o valor da multa de mora. [\(Incluído pela Lei nº 10.165, de 2000\)](#)

§ 1º Os débitos relativos à TCFA poderão ser parcelados de acordo com os critérios fixados na legislação tributária, conforme dispuser o regulamento desta Lei. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

Art. 17-I. As pessoas físicas e jurídicas que exerçam as atividades mencionadas nos incisos I e II do art. 17 e que não estiverem inscritas nos respectivos cadastros até o último dia útil do terceiro mês que se seguir ao da publicação desta Lei incorrerão em infração punível com multa de: [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

I – R\$ 50,00 (cinquenta reais), se pessoa física; [\(Incluído pela Lei nº 10.165, de 2000\)](#)

II – R\$ 150,00 (cento e cinquenta reais), se microempresa; [\(Incluído pela Lei nº 10.165, de 2000\)](#)

III – R\$ 900,00 (novecentos reais), se empresa de pequeno porte; [\(Incluído pela Lei nº 10.165, de 2000\)](#)

IV – R\$ 1.800,00 (mil e oitocentos reais), se empresa de médio porte; [\(Incluído pela Lei nº 10.165, de 2000\)](#)

V – R\$ 9.000,00 (nove mil reais), se empresa de grande porte. [\(Incluído pela Lei nº 10.165, de 2000\)](#)

Parágrafo único. Revogado. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

Art. 17-J. [\(Revogado pela Lei nº 10.165, de 2000\)](#)

Art. 17-L. As ações de licenciamento, registro, autorizações, concessões e permissões relacionadas à fauna, à flora, e ao controle ambiental são de competência exclusiva dos órgãos integrantes do Sistema Nacional do Meio Ambiente. [\(Incluído pela Lei nº 9.960, de 2000\)](#)

Art. 17-M. Os preços dos serviços administrativos prestados pelo Ibama, inclusive os referentes à venda de impressos e publicações, assim como os de entrada, permanência e utilização de áreas ou instalações nas unidades de conservação, serão definidos em portaria do Ministro de Estado do Meio Ambiente, mediante proposta do Presidente daquele Instituto. [\(Incluído pela Lei nº 9.960, de 2000\)](#)

Art. 17-N. Os preços dos serviços técnicos do Laboratório de Produtos Florestais do Ibama, assim como os para venda de produtos da flora, serão, também, definidos em portaria do Ministro de Estado do Meio Ambiente, mediante proposta do Presidente daquele Instituto. [\(Incluído pela Lei nº 9.960, de 2000\)](#)

Art. 17-O. Os proprietários rurais que se beneficiarem com redução do valor do Imposto sobre a Propriedade Territorial Rural – ITR, com base em Ato Declaratório Ambiental - ADA, deverão recolher ao Ibama a importância prevista no item 3.11 do Anexo VII da Lei nº 9.960, de 29 de janeiro de 2000, a título de Taxa de Vistoria. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 1º-A. A Taxa de Vistoria a que se refere o *caput* deste artigo não poderá exceder a dez por cento do valor da redução do imposto proporcionada pelo ADA. [\(Incluído pela Lei nº 10.165, de 2000\)](#)

§ 1º A utilização do ADA para efeito de redução do valor a pagar do ITR é obrigatória. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 2º O pagamento de que trata o *caput* deste artigo poderá ser efetivado em cota única ou em parcelas, nos mesmos moldes escolhidos pelo contribuinte para o pagamento do ITR, em documento próprio de arrecadação do Ibama. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 3º Para efeito de pagamento parcelado, nenhuma parcela poderá ser inferior a R\$ 50,00 (cinquenta reais). [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 4º O inadimplemento de qualquer parcela ensejará a cobrança de juros e multa nos termos dos incisos I e II do *caput* e §§ 1º-A e 1º, todos do art. 17-H desta Lei. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 5º Após a vistoria, realizada por amostragem, caso os dados constantes do ADA não coincidam com os efetivamente levantados pelos técnicos do Ibama, estes lavrarão, de ofício, novo ADA, contendo os dados reais, o qual será encaminhado à Secretaria da Receita Federal, para as providências cabíveis. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

Art. 17-P. Constitui crédito para compensação com o valor devido a título de TCFA, até o limite de sessenta por cento e relativamente ao mesmo ano, o montante efetivamente pago pelo estabelecimento ao Estado, ao Município e ao Distrito Federal em razão de taxa de fiscalização ambiental. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 1º Valores recolhidos ao Estado, ao Município e ao Distrito Federal a qualquer outro título, tais como taxas ou preços públicos de licenciamento e venda de produtos, não constituem crédito para compensação com a TCFA. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

§ 2º A restituição, administrativa ou judicial, qualquer que seja a causa que a determine, da taxa de fiscalização ambiental estadual ou distrital compensada com a TCFA restaura o direito de crédito do Ibama contra o estabelecimento, relativamente ao valor compensado. [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

Art. 17-Q. É o Ibama autorizado a celebrar convênios com os Estados, os Municípios e o Distrito Federal para desempenharem atividades de fiscalização ambiental, podendo repassar-lhes parcela da receita obtida com a TCFA." [\(Redação dada pela Lei nº 10.165, de 2000\)](#)

Art. 18. [\(Revogado pela Lei nº 9.985, de 2000\)](#)

Art 19 -[\(VETADO\)](#).

Art. 19. Ressalvado o disposto nas [Leis nºs 5.357, de 17 de novembro de 1967](#), e [7.661, de 16 de maio de 1988](#), a receita proveniente da aplicação desta Lei será recolhida de acordo com o disposto no [art. 4º da Lei nº 7.735, de 22 de fevereiro de 1989](#). [\(Incluído pela Lei nº 7.804, de 1989\)](#)

Art. 20. Esta Lei entrará em vigor na data de sua publicação.

Art. 21. Revogam-se as disposições em contrário.

Brasília, 31 de agosto de 1981; 160º da Independência e 93º da República.

JOÃO FIGUEIREDO
Mário Andreazza

Este texto não substitui o publicado no D.O.U. de 2.9.1981

ANEXO
[\(Incluído pela Lei nº 9.960, de 2000\)](#)

TABELA DE PREÇOS DOS SERVIÇOS E PRODUTOS COBRADOS PELO INSTITUTO BRASILEIRO DO MEIO
AMBIENTE E DOS RECURSOS NATURAIS RENOVÁVEIS - IBAMA

DESCRIÇÃO	VALOR (R\$)
I - FAUNA	
1. LICENÇA E RENOVAÇÃO	
1. Licença ou renovação para transporte nacional de fauna silvestre, partes, produtos e derivados para criadouros científicos ligados a instituições públicas de pesquisa, pesquisadores ligados a instituições públicas de pesquisa e zoológicos públicos	ISENTO
• Licença ou renovação para transporte nacional de fauna silvestre, partes, produtos e derivados da fauna exótica constante do Anexo I da Convenção sobre Comercio Internacional de Espécies da Fauna e Flora em perigo de extinção - CITES (por formulário)	21,00
• Licença ou renovação para exposição ou concurso de animais silvestres (por formulário)	32,00
• Licença para importação, exportação ou reexportação de	

animais vivos, partes, produtos e derivados da fauna para criadouros científicos e pesquisadores ligados a instituições públicas de pesquisa e zoológicos públicos	ISENTO
Licença para importação, exportação ou reexportação de animais vivos, partes, produtos e derivados da fauna:	
1.5.1 Por formulário de até 14 itens	37,00
1.5.2 Por formulário adicional	6,00
2. LICENCIAMENTO AMBIENTAL	
2.1 - Criadouro de espécimes da fauna exótica para fins comerciais:	
2.1.1 - Pessoa física	600,00
2.1.2 - Microempresa	800,00
2.1.3 - Demais empresas	1.200,00
2.2 - Mantenedor de fauna exótica :	
2.2.1 - Pessoa física	300,00
2.2.2 - Microempresa	400,00
2.2.3 - Demais empresas	500,00
2.3. Importador de animais vivos, abatidos, partes, produtos e subprodutos da fauna silvestre brasileira e exótica:	
2.3.1. Microempresa	500,00
2.3.2. Demais empresas	600,00
2.4. Circo:	
2.4.1. Microempresa	300,00
2.4.2. Demais empresas	600,00
Obs.: O licenciamento ambiental da fauna será renovável a cada dois anos	
3. REGISTRO	
3.1. Criadouros de espécies da fauna brasileira para fins científicos:	
3.1.1. Vinculados a instituições públicas de pesquisas	ISENTO
3.1.2. Não vinculados	100,00
3.2. Criadouros de espécies da fauna brasileira para fins comerciais:	

3.2.1. Categoria A – Pessoa Física	400,00
3.2.2. Categoria B – Pessoa Jurídica	300,00
3.3. Indústria de beneficiamento de peles, partes, produtos e derivados da fauna brasileira	400,00
3.4. Zoológico Público – Categorias A, B e C	ISENTO
3.5. Zoológico privado:	
3.5.1. Categorias A	300,00
3.5.2. Categorias B	350,00
3.5.3. Categorias C	400,00
3.6. Exportador de animais vivos, abatidos, partes, produtos e derivados da fauna	300,00
3.7. Importador de animais vivos, abatidos, partes, produtos e derivados da fauna	400,00
4. CAÇA AMADORISTA	
4.1. Liberação de armas e demais petrechos de caça	373,00
4.2. Autorização anual de caça amadorista de campo e licença de transporte das peças abatidas	300,00
4.3. Autorização anual de caça amadorista de banhado e licença de transporte das peças abatidas	300,00
4.4. Autorização de ingresso de caça abatida no exterior (por formulário)	319,00
5. VENDA DE PRODUTOS	
5.1. Selo de lacre de segurança para peles, partes, produtos e derivados da fauna	1,10
6. SERVIÇOS DIVERSOS	
6.1. Expedição ou renovação anual de carteira da fauna para sócios de clubes agrupados à Federação Ornitófila	30,00
6.2. Identificação ou marcação de espécimes da fauna (por unidade por ano).	16,00
II - FLORA	
1. LICENÇA E RENOVAÇÃO	
1.1. Licença ou renovação para exposição ou concurso de plantas ornamentais	53,00
1.2. Licença ou renovação para transporte nacional de flora brasileira, partes, produtos e derivados para jardins botânicos públicos e pesquisadores ligados a instituições públicas de pesquisa	ISENTO

1.3. Licença ou renovação para transporte nacional de flora exótica constante do Anexo I da CITES (por formulário)	21,00
1.4. Licença ou renovação para importação, exportação ou reexportação de plantas vivas, partes, produtos e derivados da flora para jardins botânicos públicos e pesquisadores ligados a instituições públicas de pesquisa	ISENTO
1.5. Licença ou renovação para importação, exportação ou reexportação de plantas vivas, partes, produtos e derivados da flora:	
1.5.1. Por formulário de 14 itens	37,00
1.5.2. Por formulário adicional	6,00
1.6. Licença para porte e uso de motosserra - anual	30,00
2. AUTORIZAÇÃO	
2.1. Autorização para uso do fogo em queimada controlada:	
2.1.1. Sem vistoria	ISENTO
2.1.2. Com vistoria:	
2.1.2.1. Queimada Comunitária:	
. Área até 13 hectares	3,50
. De 14 a 35 hectares	7,00
. De 36 a 60 hectares	10,50
. De 61 a 85 hectares	14,00
. De 86 a 110 hectares	17,50
. De 111 a 135 hectares	21,50
. De 136 a 150 hectares	25,50

2.1.2.2. Demais Queimadas Controladas:	
. Área até 13 hectares	3,50
. Acima de 13 hectares – por hectare autorizado	3,50
2.2. Autorização de Transporte para Produtos Florestais-ATPF	
2.2.1. Para lenha, rachas e lascas, palanques roliços, escoramentos, xaxim, óleos essenciais e carvão vegetal	5,00
2.2.2. Para demais produtos	10,00
2.3. Autorização para Consumo de Matéria Prima Florestal - m ³ consumido/ano	vide formula
Até 1.000 = $(125,00 + Q \times 0,0020)$ Reais	
1.001 a 10.000 = $(374,50 + Q \times 0,0030)$ Reais	
10.001 a 25.000 = $(623,80 + Q \times 0,0035)$ Reais	
25.001 a 50.000 = $(873,80 + Q \times 0,0040)$ Reais	
50.001 a 100.000 = $(1.248,30 + Q \times 0,0045)$ Reais	
100.001 a 1.000.000 = $(1.373,30 + Q \times 0,0050)$ Reais	
1.000.001 a 2.500.000 = $(1.550,00 + Q \times 0,0055)$ Reais	
Acima de 2.500.000 = 22.500,00 Reais Q = quantidade consumida em metros cúbicos	
3. VISTORIA	
3.1. Vistorias para fins de loteamento urbano	532,00
3.2. Vistoria prévia para implantação de Plano de Manejo Florestal Sustentado	

(área projetada):	
. Até 250 há	289,00
. Acima de 250 ha. - Valor = R\$ 289,00 + R\$ 0,55 por ha. excedente	vide fórmula
3.3. Vistoria de acompanhamento de Plano de Manejo Florestal Sustentado (área explorada):	
. Até 250 há	289,00
. Acima de 250 ha. – Valor = R\$ 289,00 + R\$ 0,55 por ha excedente	vide fórmula
3.4. Vistoria técnica para coleta de plantas ornamentais e medicinais (área a ser explorada):	
. Até 20 ha/ano	ISENTO
. De 21 a 50 ha/ano	160,00
. De 51 a 100 ha/ano	289,00
. Acima de 100 ha/ano – Valor = R\$ 289,00 + R\$ 0,55 por ha	vide fórmula
3.5. Vistoria para limpeza de área (área solicitada)	289,00
3.6. Vistoria técnica de desmatamento para uso alternativo do solo de projetos enquadrados no Programa Nacional de Agricultura Familiar-PRONAF ou no Programa de Financiamento à Conservação e Controle do Meio Ambiente-FNE VERDE (área a ser explorada):	
. Até Módulo INCRA por ano	ISENTO
. Acima de Módulo INCRA por ano - Valor = R\$ 128,00 + R\$ 0,55 por ha excedente	vide fórmula
3.7. Vistorias de implantação, acompanhamento e exploração de florestas plantadas, enriquecimento (palmito e outras frutíferas) e cancelamentos de projetos (por área a ser vistoriada):	

. Até 50 ha/ano	64,00
. De 51 a 100 ha/ano	117,00
. Acima de 100 ha/ano – Valor = R\$ 289,00 + R\$ 0,55 por ha excedente	vide fórmula
3.8. Vistoria técnica para desmatamento para uso alternativo do solo e utilização de sua matéria-prima florestal:	
. Até 20 há	ISENTO
. De 21 a 50 ha/ano	160,00
. De 51 a 100 ha/ano	289,00
. Acima de 100 ha/ano – Valor = R\$ 289,00 + R\$ 0,55 por ha excedente	vide fórmula
3.9. Vistoria para fins de averbação de área de Reserva Legal (sobre a área total da propriedade):	
. Até 100 ha/ano	ISENTO
. De 101 a 300 ha/ano	75,00
. De 301 a 500 ha/ano	122,00
. De 501 a 750 ha/ano	160,00
. Acima de 750 ha/ano – Valor = R\$ 160,00 + R\$ 0,21 por ha excedente	vide fórmula
Obs.: Quando a solicitação de vistoria para averbação de reserva legal for concomitante a outras vistorias (desmatamento, plano de manejo, etc.), cobra-se pelo maior valor	
3.10. Vistoria de áreas degradadas em recuperação, de avaliação de danos ambientais em áreas antropizadas e em empreendimentos cujas áreas estão sujeitas a impacto ambiental - EIA/RIMA:	
- até 250 ha/ano	289,00
- acima de 250 ha/ano – Valor = R\$ 289,00 + R\$ 0,55 por ha excedente	vide fórmula

3.11. Demais Vistorias Técnicas Florestais: - até 250 ha/ano - acima de 250 ha/ano – Valor = R\$289,00 + 0,55 por ha excedente	289,00 vide fórmula
4. INSPEÇÃO DE PRODUTOS E SUBPRODUTOS DA FLORA PARA EXPORTAÇÃO OU IMPORTAÇÃO	
4.1. Inspeção de espécies contingenciadas	ISENTO
4.2 Levantamento circunstanciado de áreas vinculados à reposição florestal e ao Plano Integrado Florestal, Plano de Corte e Resinagem (projetos vinculados e projetos de reflorestamento para implantação ou cancelamento):	
- Até 250 ha/ano	289,00
- Acima de 250 ha/ano – Valor = R\$ 289,00 + R\$ 0,55 por ha excedente	vide fórmula
5. OPTANTES DE REPOSIÇÃO FLORESTAL	
5.1. Valor por árvore	1,10
III – CONTROLE AMBIENTAL	
1. LICENÇA E RENOVAÇÃO	
1.1. Licença Ambiental ou Renovação	vide tabela
EMPRESA DE PEQUENO PORTE	
<i>Impacto Ambiental Pequeno Medio Alto</i>	
Licença Prévia 2.000,00 4.000,00 8.000,00	
Licença de Instalação 5.600,00 11.200,00 22.400,00	
Licença de Operação 2.800,00 5.600,00 11.200,00	
EMPRESA DE PORTE MÉDIO	
<i>Impacto Ambiental Pequeno Medio Alto</i>	
Licença Prévia 2.800,00 5.600,00 11.200,00	
Licença de Instalação 7.800,00 15.600,00 31.200,00	
Licença de Operação 3.600,00 7.800,00 15.600,00	
EMPRESA DE GRANDE PORTE	
<i>Impacto Ambiental Pequeno Medio Alto</i>	

Licença Prévia 4.000,00 8.000,00 16.000,00	
Licença de Instalação 11.200,00 22.400,00 44.800,00	
Licença de Operação 5.600,00 11.200,00 22.400,00	
1.2. Licença para uso da configuração de veículo ou motor	vide fórmula
Valor = R\$266,00 + N x R\$1,00 N = número de veículos comercializados no mercado interno – pagamento até o último dia do mês subsequente à comercialização.	
1.3. Licença de uso do Selo Ruído	266,00
1.4. Certidão de dispensa de Licença para uso da configuração de veículo ou motor por unidade.	266,00
1.5. Declaração de atendimento aos limites de ruídos	266,00
2. AVALIAÇÃO E ANÁLISE	
2.1. Análise de documentação técnica que subsidie a emissão de: Registros, Autorizações, Licenças, inclusive para supressão de vegetação em Áreas de Preservação Permanente e respectivas renovações :	vide fórmula
Valor = {K + [(A x B x C) + (D x A x E)]}	
A - Nº de Técnicos envolvidos na análise	
B - Nº de horas/homem necessárias para análise	
C - Valor em Reais da hora/homem dos técnicos envolvidos na análise + total de obrigações sociais	
(OS) = 84,71% sobre o valor da hora/homem	
D - Despesas com viagem	
E - Nº de viagens necessárias	
K - Despesas administrativas = 5% do somatório de (A x B x C) + (D x A x E)	
2.2. Avaliação e classificação do Potencial de Periculosidade Ambiental - PPA:	
2.2.1. Produto Técnico	22.363,00

2.2.2. Produto formulado	11.714,00
2.2.3. Produto Atípico	6.389,00
2.2.4. PPA complementar	2.130,00
2.2.5. Pequenas alterações	319,00
2.3. Conferência de documentação técnica para avaliação e registro de agrotóxicos e afins	319,00
2.4. Avaliação de eficiência de agrotóxicos e afins para registro	2.130,00
2.5. Reavaliação técnica de agrotóxicos (inclusão de novos usos)	3.195,00
2.6. Avaliação Ambiental Preliminar de Agrotóxicos, seus componentes e afins, com ou sem emissão de Certificado de Registro Especial Temporário:	
2.6.1. Fase 2	532,00
2.6.2. Fase 3	2.130,00
2.6.3. Fase 4	4.260,00
2.7. Avaliação/Classificação Ambiental de Produtos Biotecnológicos para fins de registro	6.389,00
2.8. Avaliação Ambiental de Preservativos de Madeira	4.260,00
2.9. Avaliação Ambiental de Organismos Geneticamente Modificados	22.363,00
3. AUTORIZAÇÃO	
3.1. Autorizações para supressão de vegetação em Área de Preservação Permanente:	
. Até 50 há	133,00
. Acima de 50 há	vide fórmula
Valor = R\$ 6.250,00 +(25,00 x Área que excede 50 ha)	
3.2. Autorização para importação, produção, comercialização e uso de mercúrio	vide fórmula
Valor = R\$ 125,00 + (125,00 x 0,003 x QM) QM = quantidade de Mercúrio Metálico (medido em quilograma) importado, comercializado ou produzido por ano	

4. REGISTRO	
4.1. Proprietário e comerciante de motosserra	ISENTO
4.2. Registro de agrotóxicos, seus componentes e afins	1.278,00
4.3. Manutenção de registro ou da classificação do PPA (Classe I e II)	7.454,00
4.4. Manutenção de registro ou da classificação do PPA (Classe III e IV)	3.195,00
4.5. Registro ou renovação de produto preservativo de madeira	1.278,00
4.6. Registro de produtos que contenham organismos geneticamente modificados	1.278,00
4.7. Manutenção de registro de produtos que contenham organismos geneticamente modificados	5.325,00

ANEXO VIII

[\(Incluído pela Lei nº 10.165, de 27.12.2000\)](#)

atividades potencialmente poluidoras e utilizadoras de recursos ambientais

Código	Categoria	Descrição	Pp/gu
01	Extração e Tratamento de Minerais	- pesquisa mineral com guia de utilização; lavra a céu aberto, inclusive de aluvião, com ou sem beneficiamento; lavra subterrânea com ou sem beneficiamento, lavra garimpeira, perfuração de poços e produção de petróleo e gás natural.	AAto
02	Indústria de Produtos Minerais Não Metálicos	- beneficiamento de minerais não metálicos, não associados a extração; fabricação e elaboração de produtos minerais não metálicos tais como produção de material cerâmico, cimento, gesso, amianto, vidro e similares.	MMédio
03	Indústria Metalúrgica	- fabricação de aço e de produtos siderúrgicos, produção de fundidos de ferro e aço, forjados, arames,	AAto

		relaminados com ou sem tratamento; de superfície, inclusive galvanoplastia, metalurgia dos metais não-ferrosos, em formas primárias e secundárias, inclusive ouro; produção de laminados, ligas, artefatos de metais não-ferrosos com ou sem tratamento de superfície, inclusive galvanoplastia; relaminação de metais não-ferrosos, inclusive ligas, produção de soldas e anodos; metalurgia de metais preciosos; metalurgia do pó, inclusive peças moldadas; fabricação de estruturas metálicas com ou sem tratamento de superfície, inclusive; galvanoplastia, fabricação de artefatos de ferro, aço e de metais não-ferrosos com ou sem tratamento de superfície, inclusive galvanoplastia, têmpera e cementação de aço, recozimento de arames, tratamento de superfície.	
04	Indústria Mecânica	- fabricação de máquinas, aparelhos, peças, utensílios e acessórios com e sem tratamento térmico ou de superfície.	MMédio
05	Indústria de material Elétrico, Eletrônico e Comunicações	- fabricação de pilhas, baterias e outros acumuladores, fabricação de material elétrico, eletrônico e equipamentos para telecomunicação e informática; fabricação de aparelhos elétricos e eletrodomésticos.	MMédio
06	Indústria de Material de Transporte	- fabricação e montagem de veículos rodoviários e ferroviários, peças e acessórios; fabricação e montagem de aeronaves; fabricação e reparo de embarcações e estruturas flutuantes.	MMédio

07	Indústria de Madeira	- serraria e desdobramento de madeira; preservação de madeira; fabricação de chapas, placas de madeira aglomerada, prensada e compensada; fabricação de estruturas de madeira e de móveis.	Médio
08	Indústria de Papel e Celulose	- fabricação de celulose e pasta mecânica; fabricação de papel e papelão; fabricação de artefatos de papel, papelão, cartolina, cartão e fibra prensada.	Alto
09	Indústria de Borracha	- beneficiamento de borracha natural, fabricação de câmara de ar, fabricação e acondicionamento de pneumáticos; fabricação de laminados e fios de borracha; fabricação de espuma de borracha e de artefatos de espuma de borracha, inclusive látex.	Pequeno
10	Indústria de Couros e Peles	- secagem e salga de couros e peles, curtimento e outras preparações de couros e peles; fabricação de artefatos diversos de couros e peles; fabricação de cola animal.	Alto
11	Indústria Têxtil, de Vestuário, Calçados e Artefatos de Tecidos	- beneficiamento de fibras têxteis, vegetais, de origem animal e sintéticos; fabricação e acabamento de fios e tecidos; tingimento, estamparia e outros acabamentos em peças do vestuário e artigos diversos de tecidos; fabricação de calçados e componentes para calçados.	Médio
12	Indústria de Produtos de Matéria Plástica.	- fabricação de laminados plásticos, fabricação de artefatos de material plástico.	Pequeno
13	Indústria do Fumo	- fabricação de cigarros, charutos, cigarilhas e outras	Médio

		atividades de beneficiamento do fumo.	
14	Indústrias Diversas	- usinas de produção de concreto e de asfalto.	Pequeno
15	Indústria Química	- produção de substâncias e fabricação de produtos químicos, fabricação de produtos derivados do processamento de petróleo, de rochas betuminosas e da madeira; fabricação de combustíveis não derivados de petróleo, produção de óleos, gorduras, ceras, vegetais e animais, óleos essenciais, vegetais e produtos similares, da destilação da madeira, fabricação de resinas e de fibras e fios artificiais e sintéticos e de borracha e látex sintéticos, fabricação de pólvora, explosivos, detonantes, munição para caça e desporto, fósforo de segurança e artigos pirotécnicos; recuperação e refino de solventes, óleos minerais, vegetais e animais; fabricação de concentrados aromáticos naturais, artificiais e sintéticos; fabricação de preparados para limpeza e polimento, desinfetantes, inseticidas, germicidas e fungicidas; fabricação de tintas, esmaltes, lacas, vernizes, impermeabilizantes, solventes e secantes; fabricação de fertilizantes e agroquímicos; fabricação de produtos farmacêuticos e veterinários; fabricação de sabões, detergentes e velas; fabricação de perfumarias e cosméticos; produção de álcool etílico, metanol e similares.	Alto
16	Indústria de Produtos	- beneficiamento,	Médio

	Alimentares e Bebidas	moagem, torrefação e fabricação de produtos alimentares; matadouros, abatedouros, frigoríficos, charqueadas e derivados de origem animal; fabricação de conservas; preparação de pescados e fabricação de conservas de pescados; beneficiamento e industrialização de leite e derivados; fabricação e refinação de açúcar; refino e preparação de óleo e gorduras vegetais; produção de manteiga, cacau, gorduras de origem animal para alimentação; fabricação de fermentos e leveduras; fabricação de rações balanceadas e de alimentos preparados para animais; fabricação de vinhos e vinagre; fabricação de cervejas, chopes e maltes; fabricação de bebidas não-alcoólicas, bem como engarrafamento e gaseificação e águas minerais; fabricação de bebidas alcoólicas.	
17	Serviços de Utilidade	- produção de energia termoelétrica; tratamento e destinação de resíduos industriais líquidos e sólidos; disposição de resíduos especiais tais como: de agroquímicos e suas embalagens; usadas e de serviço de saúde e similares; destinação de resíduos de esgotos sanitários e de resíduos sólidos urbanos, inclusive aqueles provenientes de fossas; dragagem e derrocamentos em corpos d'água; recuperação de áreas contaminadas ou degradadas.	Médio
18	Transporte, Terminais,	- transporte de cargas	Alto

	Depósitos e Comércio	perigosas, transporte por dutos; marinas, portos e aeroportos; terminais de minério, petróleo e derivados e produtos químicos; depósitos de produtos químicos e produtos perigosos; comércio de combustíveis, derivados de petróleo e produtos químicos e produtos perigosos.	
19	Turismo	- complexos turísticos e de lazer, inclusive parques temáticos.	Pequeno
20 (Redação dada pela Lei nº 11.105, de 2005)	Uso de Recursos Naturais	Silvicultura; exploração econômica da madeira ou lenha e subprodutos florestais; importação ou exportação da fauna e flora nativas brasileiras; atividade de criação e exploração econômica de fauna exótica e de fauna silvestre; utilização do patrimônio genético natural; exploração de recursos aquáticos vivos; introdução de espécies exóticas, exceto para melhoramento genético vegetal e uso na agricultura; introdução de espécies geneticamente modificadas previamente identificadas pela CTNBio como potencialmente causadoras de significativa degradação do meio ambiente; uso da diversidade biológica pela biotecnologia em atividades previamente identificadas pela CTNBio como potencialmente causadoras de significativa degradação do meio ambiente.	Médio
21	(VETADO)	x	x
22	(VETADO)	x	x

ANEXO IX
(Incluído pela Lei nº 10.165, de 27.12.2000)

VALORES, EM REAIS, DEVIDOS A TÍTULOS DE TCFA POR ESTABELECIMENTO POR TRIMESTRE

Potencial de Poluição, Grau de utilização de Recursos Naturais	Pessoa Física	Microempresa	Empresa de Pequeno Porte	Empresa de Médio Porte	Empresa de Grande Porte
Pequeno	-	-	112,50	225,00	450,00
Médio	-	-	180,00	360,00	900,00
Alto	-	50,00	225,00	450,00	2.250,00

Annex 576

Framework Act on Environmental Policy, as amended from time to time and
updated in 2022

FRAMEWORK ACT ON ENVIRONMENTAL POLICY

Wholly Amended by Act No. 10893, Jul. 21, 2011

Amended by Act No. 10911, Jul. 25, 2011

Act No. 10977, Jul. 28, 2011

Act No. 11268, Feb. 1, 2012

Act No. 11603, Jan. 1, 2013

Act No. 11751, Apr. 5, 2013

Act No. 11913, Jul. 16, 2013

Act No. 11917, Jul. 16, 2013

Act No. 11980, Jul. 30, 2013

Act No. 13410, Jul. 20, 2015

Act No. 13535, Dec. 1, 2015

Act No. 13534, Dec. 1, 2015

Act No. 13550, Dec. 15, 2015

Act No. 13603, Dec. 22, 2015

Act No. 13879, Jan. 27, 2016

Act No. 13886, Jan. 27, 2016

Act No. 13872, Jan. 27, 2016

Act No. 13873, Jan. 27, 2016

Act No. 13883, Jan. 27, 2016

Act No. 13889, Jan. 27, 2016

Act No. 13894, Jan. 27, 2016

Act No. 14229, May 29, 2016

Act No. 14494, Dec. 27, 2016

Act No. 14532, Jan. 17, 2017

Act No. 16096, Dec. 31, 2018

Act No. 16267, Jan. 15, 2019

Act No. 16305, Apr. 2, 2019

Act No. 16619, Nov. 26, 2019

Act No. 16861, Dec. 31, 2019

Act No. 17326, May 26, 2020

Act No. 17797, Dec. 29, 2020

Act No. 17857, Jan. 5, 2021
Act No. 18283, jun. 15, 2021
Act No. 18469, Sep. 24, 2021
Act No. 18584, Dec. 21, 2021
Act No. 18918, jun. 10, 2022

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to ensure that all citizens enjoy a healthy and pleasant life by preventing environmental pollution and environmental damage and by managing and preserving the environment in an appropriate and sustainable manner through defining the rights and obligations of citizens and the responsibilities of the State with regard to environmental conservation and determining the fundamental matters for environmental policies.

Article 2 (Fundamental Concepts)

(1) The State, local governments, business entities and citizens shall ensure that the current generation of citizens can fully enjoy environmental benefits and future generations will continue to enjoy such benefits by endeavoring to maintain and create a better environment, by considering environmental conservation first while engaging in any activities utilizing the environment and by combining their efforts to prevent any environmental harms on the earth, such as climate changes, in view of the fact that the creation of a delightful environment through a qualitative improvement and conservation of the environment and the maintenance of harmony and balance between human beings and the environment therethrough are indispensable elements for citizens' health and enjoyment of a cultural life, for the maintenance of the territorial integrity and for the everlasting development of the nation. *<Amended on Feb. 1, 2012; Jan. 15, 2019>*

(2) The State and local governments shall endeavor to realize environmental justice by ensuring all citizens' substantial participation in the enactment or amendment of environmental statutes, regulations, ordinances and rules or the formulation or implementation of policies, access to information about environment, equitable sharing of environmental benefits and burdens, and fair compensation for losses caused by environmental pollution or environmental damage. *<Amended on Jan. 15, 2019>*

Article 3 (Definitions)

The terms used in this Act are defined as follows: *<Amended on Jan. 27, 2016; Jan. 15, 2019>*

1. The term "environment" means the natural environment and the living environment;
2. The term "natural environment" means the natural conditions (including ecosystem and natural scenery) that include both all living things in the underground, on the earth's surface (including the seas) and above the ground and inanimate matters surrounding them;
3. The term "living environment" means the environment related to the daily life of human beings, such as air, water, soil, waste, noise, vibration, malodor, sunshine, artificial lighting, and chemical substances;
4. The term "environmental pollution" means air pollution, water pollution, soil pollution, sea pollution, radioactive contamination, noise, vibration, malodor, sunshine obstruction, light pollution from artificial lighting and other similar pollution caused by industrial activities and other human activities, such as inflicting damage on human health or the environment;
5. The term "environmental damage" means the conditions that inflict serious damage on intrinsic functions of the natural environment by overhunting or overgathering wild animals or plants, destroying their habitats, disturbing the order of the ecosystem, impairing the natural scenery, washing away the topsoil, etc.;
6. The term "environmental conservation" means any activity conducted to protect the environment from pollution and damage and to improve any polluted or damaged environment, as well as to maintain and create more delightful environmental conditions;
7. The term "environmental capacity" means the limit in which the environment can keep its quality by absorbing, purifying and restoring environmental pollution or environmental damage on its own within a certain area;
8. The term "environmental standards" means desirable environmental conditions or quality levels that the State should achieve and maintain to protect the health of citizens and create a delightful environment.

Article 4 (Responsibilities of the State and Local Governments)

- (1) In order to prevent any environmental pollution and environmental damage and any potential harms caused thereby and to properly manage and preserve the environment, the State shall be responsible for the development and implementation of an environmental plan. *<Amended on Jan. 5, 2021>*
- (2) A local government shall be responsible for the formulation and implementation of its own environmental plan according to the environmental plan of the State, taking into consideration the regional characteristics of its jurisdiction. *<Amended on Jan. 5, 2021>*
- (3) When formulating an environmental plan under paragraph (1) and an environmental plan of a local government under paragraph (2) to maintain the national land at a sustainable level, the State and local governments shall devise a measure to interlink such plan with a national land plan under the Framework Act on the National Land. *<Newly Inserted on Dec. 1, 2015; Jan. 5, 2021>*

(4) Where necessary to interlink the environmental plan and the national land plan under paragraph (3), the Minister of Environment may jointly determine matters, such as the scope of application and the methods and procedures for the interlinking, with the Minister of Land, Infrastructure and Transport.
<Newly Inserted on Dec. 1, 2015; Jan. 5, 2021>

Article 5 (Responsibilities of Business Entities)

Any business entity shall voluntarily take measures required for preventing any environmental pollution and environmental damage that may result from his or her business activities and shall be responsible for participating and cooperating in environmental conservation policies of the State or local governments.

Article 6 (Rights and Obligations of Citizens)

- (1) All citizens shall have the right to live in a healthy and agreeable environment.
- (2) All citizens shall cooperate in environmental conservation policies of the State and local governments.
- (3) All citizens shall endeavor to reduce any environmental pollution and environmental damage that may result from their daily lives and to preserve the national land and natural environment.

Article 6-2 (Relationship to Other Statutes)

Enactments or amendments of other statutes or regulations related to environmental policies shall conform to the purpose and fundamental concepts of this Act.

Article 7 (Principle of Liability of Persons Causing Pollution)

Any person who causes any environmental pollution or environmental damage due to his or her business or other activities shall, in principle, be liable to prevent the relevant pollution or damage and to recover and restore the polluted or damaged environment, as well as to bear expenses incurred in restoring the damage resulting from the environmental pollution or environmental damage.

Article 7-2 (Benefit Principle)

Where a person other than the State or a local government gains significant benefits from a project for environmental conservation, the State or a local government may require the person who gains benefits to fully or partially bear the cost of the project for environmental conservation within the limit of such benefits.

Article 8 (Prior Prevention of Environmental Pollution)

- (1) The State and local governments shall exert preferential efforts for a prior preventive management of pollution through reducing pollutants and pollution sources of the environment at source and devise policies to promote voluntary efforts by business entities for the prevention of environmental pollution.

(2) Business entities shall endeavor to use raw materials with less environmental pollution and to improve their production processes at the entire phases of their business activities such as production, sale, distribution and destruction of products, and to reduce the generation of pollutants at source and to minimize any harmful impacts arising from the use and destruction of their products on the environment by means of saving resources and promoting recycling.

(3) The State, local governments and business entities shall endeavor to minimize any harmful impacts arising from their administrative plans and development projects on the environment with the aim of preventing such administrative plans and development projects from damaging the national land and natural environment.

Article 9 (Comprehensive Consideration of Environment and Economy)

(1) The Government shall develop methods by which the environment and economy can be evaluated in a comprehensive manner and shall utilize those methods when it formulates different types of policies.

(2) The Government shall assist in minimizing any harmful impacts on the environment through consultations between industries, regions and businesses within the environmental capacity.

Article 10 (Saving of Resources and Promotion of their Cyclical Use)

(1) The State and local governments shall develop policies necessary to economize on resources and energy and to promote the cyclical use of resources, including reuse and recycling of resources.

(2) Business entities shall cooperate with the State and local governments in implementing the policies under paragraph (1) when they conduct economic activities.

Article 11 (Reporting)

(1) The Government shall submit each year to the National Assembly a report on the situation of promoting major environmental conservation policies.

(2) A report under paragraph (1) shall include the following:

1. Current status of environmental pollution and environmental damage;
2. Environmental trends at home and abroad;
3. Promotion status of environmental conservation policies;
4. Other important matters relating to environmental conservation.

(3) The Minister of Environment may request the head of a relevant central administrative agency to submit the data required for preparing a report under paragraph (1), and the head of the relevant central administrative agency shall comply with it unless there is a compelling reason not to do so.

CHAPTER II ESTABLISHMENT OF ENVIRONMENTAL PLANS

SECTION 1 Environmental Standards

Article 12 (Formulation of Environmental Standards)

- (1) The State shall formulate environmental standards, based on the impacts, etc. on the ecosystem or human health and ensure that such standards maintain appropriateness according to changes in environmental conditions. *<Amended on Jan. 27, 2016>*
- (2) The environmental standards shall be prescribed by Presidential Decree.
- (3) The Special Metropolitan City, a Metropolitan City, a Special Self-Governing City, a Do, a Special Self-Governing Province (hereinafter referred to as "City/Do") may, by ordinance of the relevant City/Do, formulate separate environmental standards that are more expanded and strengthened than the environmental standards prescribed in paragraph (1) (hereinafter referred to as "local environmental standards") or modify any existing environmental standards for such purposes, if deemed necessary in view of the unique environmental characteristics of the relevant area. *<Amended on Jan. 5, 2021>*
- (4) If the Special Metropolitan City Mayor, a Metropolitan City Mayor, a Special Self-Governing City Mayor, a Do Governor, or a Special Self-Governing Province Governor (hereinafter referred to as a "Mayor/Do Governor") formulates or modifies any local environmental standards prescribed in paragraph (3), he or she shall, without delay, notify the Minister of Environment thereof. *<Amended on Jan. 5, 2021>*

Article 12-2 (Publication of Environmental Standards)

- (1) The Minister of Environment shall publish the environmental standards formulated under Article 12 and grounds for the formulation thereof.
- (2) The standards and methods for publication prescribed in paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 12-3 (Evaluation of Environmental Standards)

- (1) The Minister of Environment shall evaluate environmental standards prescribed in Article 12 on a five-year basis to maintain the adequacy of the environmental standards.
- (2) Upon the evaluation of environmental standards prescribed in paragraph (1), the Minister of Environment shall report, without delay, the results without delay to the competent standing committee of the National Assembly.
- (3) The State and local governments shall reflect the evaluation result prescribed in paragraph (1) in formulating or modifying the environmental standards prescribed in Article 12 (1) and (3).
- (4) Other matters necessary for evaluating environmental standards shall be prescribed by Presidential Decree.

Article 13 (Maintenance of Environmental Standards)

If the State or a local government enacts or amends any statute or regulation related to the environment, establishes any administrative plan, or executes any project, he or she shall ensure that the environmental standards under Article 12 are appropriately maintained, in consideration of the following:

1. Prevention of the environmental deterioration and elimination of the factors thereof;
2. Restoration to the original state of any area the environment of which is polluted;
3. Prevention of environmental pollution and environmental damage following the use of any new scientific technology;
4. Proper distribution of financial resources for the prevention of environmental pollution.

SECTION 2 Fundamental Policies

Article 14 (Development of Comprehensive National Environmental Plan)

(1) The Minister of Environment shall develop a comprehensive plan to preserve the environment at the national level (hereinafter referred to as “comprehensive national environmental plan”), every 20 years, after consultation with the heads of relevant central administrative agencies. *<Amended on Dec. 1, 2015>*

(2) If the Minister of Environment intends to develop or modify a comprehensive national environmental plan, he or she shall prepare a draft therefor and finalize it subject to deliberation by the State Council after hearing opinions from citizens, related experts, etc. through a public hearing, etc.

(3) If it is intended to modify any minor matter prescribed by Presidential Decree with respect to a comprehensive national environmental plan, the procedure under paragraph (2) may be omitted.

Article 15 (Details of Comprehensive National Environmental Plans)

A comprehensive national environmental plan shall include the following: *<Amended on Dec. 27, 2016; Jan. 15, 2019; Jan. 5, 2021>*

1. Matters concerning the given conditions for environmental changes, such as population, industry, economy, and utilization of land and sea;
2. Prediction of the sources of environment pollution, environmental pollution level and pollutant discharge quantity, and prospects of changes in environmental quality due to environmental pollution and environmental damage;
3. Current status of and prospects for the environment;
4. Goal-setting for realizing environmental justice, and measures to achieve the goals;
5. Setting the targets of environmental conservation and the phased measures and project programs on the following matters to attain such targets:
 - (a) Matters concerning the conservation of natural environment, such as biodiversity, ecosystem, ecological axis (referring to an ecological habitation space that links ecologically important areas or areas that need upkeep of ecological functions for the enhancement of biodiversity and continuity of

- ecosystem functions) and scenery;
- (b) Matters concerning the conservation of the soil environment and groundwater quality;
 - (c) Matters concerning the conservation of the marine environment;
 - (d) Matters concerning the conservation of the national land environment;
 - (e) Matters concerning the conservation of the air environment;
 - (f) Matters concerning the conservation of the water environment;
 - (g) Matters concerning the efficient use and management of water resources;
 - (h) Matters concerning the wider availability of waterworks and sewerage systems;
 - (i) Matters concerning wastes control and recycling;
 - (j) Matters concerning chemical substances control;
 - (k) Matters concerning the control of radioactive contaminants;
 - (l) Matters concerning climate changes;
 - (m) Other matters concerning the management of the environment;
6. Computation of expenses incurred in executing projects, and methods for securing financial resources therefor;
7. Appraisal of the preceding comprehensive plan;
8. Other matters incidental to those listed in subparagraphs 1 through 6.

Article 16 (Implementation of Comprehensive National Environmental Plan)

- (1) The Minister of Environment shall, without delay, notify the heads of relevant central administrative agencies of a comprehensive national environmental plan developed or modified under Article 14.
- (2) The heads of relevant central administrative agencies shall take measures necessary to implement a comprehensive national environmental plan.

Article 16-2 (Adjustment of Comprehensive National Environmental Plan)

- (1) The Minister of Environment shall re-examine the appropriateness of the comprehensive national environmental plan every five years, taking into consideration matters such as changes in environmental and social conditions, and shall adjust it if necessary. *<Amended on Jan. 5, 2021>*
- (2) If the Minister of Environment intends to adjust the comprehensive national environmental plan under paragraph (1), he or she shall prepare a draft thereof and finalize it subject to consultation with the heads of relevant central administrative agencies after gathering consensus from citizens, related experts, etc. through a public hearing, etc. *<Newly Inserted on Jan. 5, 2021>*
- (3) The Minister of Environment shall notify the head of a relevant central administrative agency, a Mayor/Do Governor, or the head of a Si/Gun/Gu (referring to the head of an autonomous Gu; hereinafter the same shall apply) of the comprehensive national environmental plan adjusted under paragraphs (1) and (2). *<Newly Inserted on Jan. 5, 2021>*

Article 17 Deleted. <Jan. 5, 2021>

Article 18 (Formulation of City/Do Environmental Plans)

(1) A Mayor/Do Governor shall formulate and implement an environmental plan for the relevant City/Do (hereinafter referred to as “City/Do environmental plan”) according to the comprehensive national environmental plan (including the comprehensive national environmental plan adjusted under Article 16-2 (1); hereafter in Articles 19 through 21 the same shall apply), taking into consideration the regional characteristics of his or her jurisdiction. <Amended on Jan. 5, 2021>

(2) If a Mayor/Do Governor intends to formulate or modify a City/Do environmental plan, he or she shall prepare a draft thereof and gather consensus from residents, related experts, etc. through a public hearing, etc.: Provided, That this shall not apply to any modification of minor matters prescribed by Presidential Decree. <Amended on Jan. 5, 2021>

(3) Deleted. <Jan. 5, 2021>

(4) If necessary for the environmental management by affected zone provided in Article 39, the Minister of Environment may request the relevant Mayor/Do Governor to modify his or her City/Do environmental plan.

(5) A Mayor/Do Governor shall manage spatial environmental information on the environmental status by field, such as water, air, and natural ecology, as prescribed by Presidential Decree so that he or she can utilize such information when formulating or formulating or modifying a City/Do environmental plan. <Newly Inserted on Jan. 5, 2021>

(6) Matters necessary for the criteria for formulating a City/Do environmental plan and the methods for preparation thereof, etc. shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted on Jan. 5, 2021>

Article 18-2 (Approval of City/Do Environmental Plans)

(1) If a Mayor/Do Governor intends to formulate or modify a City/Do environmental plan under Article 18, he or she shall obtain approval from the Minister of Environment: Provided, That this shall not apply to any modification of minor matters prescribed by Presidential Decree.

(2) If the Minister of Environment intends to approve a City/Do environmental plan under paragraph (1), he or she shall have a prior consultation with the head of a relevant central administrative agency.

(3) Upon obtaining approval under paragraph (1), a Mayor/Do Governor shall publicly announce the major content thereof without delay and notify the head of a Si/Gun/Gu of the same.

Article 19 (Formulation of Si/Gun/Gu Environmental Plans)

(1) The head of a Si/Gun/Gu shall formulate and implement an environmental plan for the relevant Si/Gun/Gu (hereinafter referred to as “Si/Gun/Gu environmental plan”) according to the comprehensive

national environmental plan and City/Do environmental plan, taking into consideration the regional characteristics of his or her jurisdiction. *<Amended on Jan. 5, 2021>*

(2) Deleted. *<Jan. 5, 2021>*

(3) If it is necessary for the environmental management by affected zone under Article 39, the head of a local environmental agency or a Mayor/Do Governor may request the head of the relevant Si/Gun/Gu to modify his or her Si/Gun/Gu environmental plan.

(4) If the head of a Si/Gun/Gu intends to formulate or modify a Si/Gun/Gu environmental plan, he or she shall prepare a draft thereof and gather consensus from residents, related experts, etc. through a public hearing, etc.: Provided, That this shall not apply to any modification of minor matters prescribed by Presidential Decree. *<Newly Inserted on Jan. 5, 2021>*

(5) The head of a Si/Gun shall manage spatial environmental information on the environmental status by field, such as water, air, natural ecology, etc., as prescribed by Presidential Decree, so that he or she can utilize the environmental plan when formulating or modifying an environmental plan of the relevant Si/Gun. *<Newly Inserted on Jan. 5, 2021>*

(6) Matters necessary for the criteria for formulating a Si/Gun/Gu environmental plan and the methods for preparation thereof, etc. shall be prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted on Jan. 5, 2021>*

Article 19-2 (Approval of Si/Gun/Gu Environmental Plans)

(1) Where the head of a Si/Gun/Gu intends to formulate or modify a Si/Gun/Gu environmental plan pursuant to Article 19, he or she shall obtain approval from the Mayor/Do Governor: Provided, That this shall not apply to any modification of minor matters prescribed by Presidential Decree.

(2) Where a Mayor/Do Governor intends to approve a Si/Gun/Gu environmental plan pursuant to paragraph (1), he or she shall have a prior consultation with the head of the relevant local environmental agency.

(3) Upon obtaining approval under paragraph (1), the head of a Si/Gun/Gu shall publicly announce the main content thereof without delay.

Article 20 (Disclosure of Comprehensive National Environmental Plan)

The Minister of Environment, a Mayor/Do Governor, and the head of a Si/Gun/Gu shall disclose through his or her agency's website, etc. a comprehensive national environmental plan formulated or modified under Article 14 or 16-2, a City/Do environmental plan formulated or modified under Article 18 or 18-2, and a Si/Gun/Gu environmental plan formulated or modified under Article 19 or 19-2. *<Amended on Jan. 5, 2021>*

Article 21 (Environmental Consideration for Development Plans and Projects)

(1) Where the State or the head of a local government develops a plan for the utilization or development of land, it or he or she shall take into consideration the relevant comprehensive national environmental plan, City/Do environmental plan and Si/Gun/Gu environmental plan (hereinafter referred to as “comprehensive national environmental plan, etc.”) and the environmental capacity of the relevant area.

(2) Where the head of a relevant central administrative agency, a Mayor/Do Governor, or the head of a Si/Gun/Gu grants permission, etc. for any project involving the utilization or development of land, he or she shall take into consideration the relevant comprehensive national environmental plan, etc.

Article 22 (Survey and Evaluation of Environmental Conditions)

(1) The State and local governments shall survey and evaluate the following on a regular basis: *<Amended on Jan. 15, 2019>*

1. Current status of the natural environment and living environment;
2. Actual status of environmental pollution and environmental damage;
3. Sources of environmental pollution and the main causes of environmental damage;
4. Changes in the quality of the environment, such as climate changes;
5. Other matters needed to develop and implement a comprehensive national environmental plan, etc.

(2) The State and local governments shall maintain a system for research, monitoring, measurement, testing, and analysis to properly conduct the survey and evaluation referred to in paragraph (1).

(3) Matters necessary for the survey and evaluation referred to in paragraph (1) and the system of conducting research, monitoring, measurement, testing, and analysis referred to in paragraph (2) shall be prescribed by Presidential Decree.

Article 23 (Development and Dissemination of Environment-Friendly Planning Techniques)

(1) The Government may develop and disseminate environment-friendly planning techniques and standards for the utilization and development of land (hereinafter referred to as “environment-friendly planning techniques, etc.”) to ensure that administrative plans and development projects affecting the environment are designed, developed and implemented in an environmentally sound and sustainable manner.

(2) The Minister of Environment may develop and disseminate an environmental assessment map that indicates the current environmental state by grade after assessing the environmental value of the national land with the aim of efficiently preserving the environment of the national land and making use of the national land in an environment-friendly manner.

(3) The methods of developing environment-friendly planning techniques, etc. and environmental assessment maps, the details thereof, and other necessary matters shall be prescribed by Presidential Decree.

Article 24 (Propagation of Environmental Information)

- (1) The Minister of Environment shall endeavor to propagate knowledge and information on environmental conservation to all citizens and to make information on the environment easily accessible to citizens.
- (2) The Minister of Environment may set up and operate an environmental information network to produce and propagate smoothly the knowledge and information on environmental conservation referred to in paragraph (1).
- (3) The Minister of Environment may request the head of a relevant administrative agency to submit materials necessary to set up and operate an environmental information network. In such cases, the head of the relevant administrative agency shall comply with the request unless there is a compelling reason not to do so.
- (4) If it is necessary to efficiently set up and operate an environmental information network under paragraph (2), the Minister of Environment may commission a specialized institution to survey the current state of the environment or entrust a specialized institution with the setup and operation of an environmental information network.
- (5) The setup and operation of an environmental information network under paragraph (2), the commission of the survey on the current state of the environment and the entrustment of the setup and operation of an environmental information network under paragraph (4), and other necessary matters shall be prescribed by Presidential Decree.

Article 25 (Education on Environmental Conservation)

The State and local governments shall develop and execute policies necessary to deepen citizens' understanding of environmental conservation through education, publicity, etc. on environmental conservation and to inspire citizens to voluntarily participate in environmental conservation efforts and put them into practice in their daily lives.

Article 26 (Encouragement of Environmental Conservation Activities by Civil Environmental Organizations)

- (1) The State and local governments shall devise necessary policies, such as the provision of information, to encourage voluntary environmental conservation activities carried out by civil environmental organizations, etc.
- (2) Where a civil environmental organization, etc. carries out activities designed to preserve the environment such as the purchase and control of any area the scenery and ecosystem of which are highly valued, the State and the relevant local government may provide such civil environmental organization, etc. with necessary administrative assistance.

Article 27 (International Cooperation and Conservation of Global Environment)

The State and local governments shall actively participate in international efforts to preserve the global environment from any climate change, destruction of ozone layer, marine pollution, desertification, decrease of biological resources, etc. and to prevent damage due to long-range transport of air pollutants, such as fine dust and ultrafine dust, as follows: <Amended on Nov. 26, 2019>

1. Mutual cooperation concerning the monitoring, observation and protection of the global environment;
2. Cooperation with foreign countries or international organizations to reduce damage from environmental pollution, such as air pollution;
3. Exchange of environmental information and technology, and fostering of specialized human resources;
4. Other matters necessary for preserving the global environment.

Article 27-2 (Designation of International Environmental Cooperation Centers)

(1) The Minister of Environment may designate as an international environmental cooperation center an institution, a corporation or an organization with specialized human resources and facilities necessary for systematically promoting international cooperation prescribed in Article 27.

(2) An international environmental cooperation center prescribed in paragraph (1) (hereafter in this Article referred to as “international environmental cooperation center”) shall perform the following activities:

1. Research and studies on policies and the development of cooperation projects for international environmental cooperation;
2. Collection, analysis and dissemination of information on international environmental conventions and international environmental regulation;
3. Exchange of environmental information and technology and holding of exhibitions and academic conferences for international environmental cooperation;
4. Assistance in concluding memorandums of understanding with foreign governments and international organizations for international environmental cooperation;
5. Fostering of specialized human resources and international exchange for international environmental cooperation;
6. Assistance in building and operating an international environmental cooperation information system;
7. Other activities necessary for promoting international environmental cooperation.

(3) The Minister of Environment may, within the budgetary limits, reimburse all or some of expenses incurred by international environmental cooperation centers in performing their activities.

(4) The Minister of Environment may revoke the designation of an international environmental cooperation center or suspend its business in whole or in part for a fixed period of up to six months if it falls under any of the following subparagraphs: Provided, That when it falls under subparagraph 1, the designation thereof shall be revoked:

1. Where the trading agency has obtained the designation by fraud or other improper means;
 2. Where the support organization has performed any affairs in violation of any matter designated thereto;
 3. Where the institution no longer complies with the standards for designation of specialized manpower fostering institutions under paragraph (5);
 4. Where any event occurs similar to those under subparagraphs 1 through 3 and specified by Presidential Decree.
- (5) Matters necessary for standards, periods, procedures for designation and revocation of designation of international environmental cooperation centers, and for the operation thereof, shall be prescribed by Presidential Decree.

Article 27-3 (Inter-Korean Exchange and Cooperation in Environmental Sector)

The Government shall endeavor to reactivate exchanges and cooperation in the environmental sector, such as fact-finding surveys and joint research on the environment and ecology between South and North Korea.

Article 28 (Promotion of Environmental Science and Technology)

The State and local governments shall devise policies necessary for promoting environmental science and technology, such as experiments, research, studies, technology development, and fostering of specialized human resources for environmental conservation.

Article 29 (Installation and Management of Environmental Conservation Facilities)

The State and local governments shall take measures necessary for installing and managing public facilities for environmental conservation, such as the green zones to reduce environmental pollution, the facilities for treating waste water, sewage and wastes, the facilities for preventing noise, vibration and malodor, the facilities for protecting and restoring wild animals and plants and ecosystems, and the facilities for purifying polluted soil and groundwater.

Article 30 (Regulation for Environmental Conservation)

- (1) The Government shall keep necessary regulation, for the purpose of environmental conservation, over the discharge of substances causing the pollution of air, water, soil or sea, the generation of noise, vibration or malodor, the treatment of wastes, the obstruction of sunshine, and damage to the natural environment.
- (2) With respect to a place of business that holds in two or more fields of operations facilities which discharge substances causing environmental pollution, the Minister of Environment or the head of the relevant local government may coordinate the visitation and inspections of those facilities in conducting them pursuant to related statutes.

(3) If the Minister of Environment or the head of a local government has made an administrative disposition against a business entity for a violation of any statute or regulation governing environmental conservation, he or she may disclose such fact: Provided, That this shall not apply where it is deemed that the disclosure of such fact is likely to infringe remarkably on the business entity's legitimate interests because it contains the business entity's trade secrets. *<Amended on May 26, 2020>*

(4) Matters necessary for the content of and methods for disclosure, etc. under paragraph (3) shall be prescribed by Presidential Decree. *<Newly Inserted on Jan. 5, 2021>*

Article 31 (Prior Notification of Permissible Emission Levels)

If the State sets or alters any permissible emission levels with respect to environmental pollution in accordance with the relevant statutes or regulations, it shall notify such levels in advance through relevant agencies' websites, etc.

Article 32 (Economic Incentives)

The Government shall devise incentives necessary for promoting the efficient utilization of resources and for inducing those who have given rise to environmental pollution to voluntarily reduce the discharge of pollutants.

Article 33 (Control of Chemical Substances)

The Government shall devise policies to properly control chemical substances in order to prevent chemicals from causing any environmental pollution and damage to health. *<Amended on Jan. 15, 2019>*

Article 34 (Prevention of Environmental Pollution by Radioactive Substances)

(1) The Government shall take appropriate measures with regard to environmental pollution by radioactive substances, the prevention of such pollution, etc.

(2) The measures under paragraph (1) shall be governed by the Nuclear Safety Act and other relevant Acts.

Article 35 (Evaluation of Harmful Impacts of Science and Technology)

Where it is deemed necessary to prevent any harmful impact arising from the development of science and technology on the ecosystem and human health, the Government shall take appropriate measures to analyze such harmful impact and evaluate its danger.

Article 36 (Countermeasures against Environment-Caused Diseases)

The State and local governments shall find out how environmental pollution causes damage to citizens' health and prepare countermeasures to address diseases caused by environmental pollution.

Article 37 (Promotion of Environment-Friendliness in State Policies)

- (1) The State and local governments shall formulate policies necessary to build an environment-friendly traffic system to minimize environmental pollution or environmental damage in the traffic sector.
- (2) The State and local governments shall formulate policies necessary to use energy rationally and efficiently and to develop and disseminate environment-friendly energy so as to minimize environmental pollution or environmental damage arising from energy use.
- (3) The State and local governments shall formulate policies necessary to develop environment-friendly agriculture, forestry and fisheries to minimize environmental pollution or environmental damage in the agricultural, forestry and fishery sectors.

Article 38 (Establishment of Special Comprehensive Measures)

- (1) The Minister of Environment may designate as a special measures area for environmental conservation an area where any environmental pollution, environmental damage or change in the natural ecosystem is remarkable or likely to become remarkable and an area where the environmental standards are often exceeded and publicly notify the designation, in consultation with the head of the relevant central administrative agency and the competent Mayor/Do Governor, and devise special comprehensive measures for environmental conservation in the relevant area to have the competent Mayor/Do Governor implement them.
- (2) The Minister of Environment may restrict the utilization of land and the installation of facilities in a special measures area, as prescribed by Presidential Decree, if it is particularly required for environmental improvement in the special measures area under paragraph (1).

Article 39 (Environmental Management by Affected Zone)

- (1) In order to grasp the situation of environmental pollution and to devise preventive measures thereagainst, the Minister of Environment shall manage the air pollution by affected zone, the water pollution by water-system zone, and the pollution of the ecosystem by affected zone.
- (2) The head of a local government may manage the environment by affected zone according to circumstances of his or her jurisdictional area to effectively manage the air pollution, water pollution, or ecosystem of his or her jurisdictional area.

SECTION 3 Conservation of Natural Environment and Environmental Impact Assessment

Article 40 (Conservation of Natural Environment)

The State and citizens shall endeavor to maintain and preserve the order and balance of nature, in view of the fact that the conservation of the natural environment is fundamental for human survival and living.

Article 41 (Environmental Impact Assessment)

(1) The State shall conduct strategic environmental impact assessment, environmental impact assessment, and small-scale environmental impact assessment in order to enable any plan and development project that have impacts on the environment to be developed and implemented in an environmentally sustainable manner with the eventual aim of maintaining the appropriateness of the environmental standards and preserving the natural environment.

(2) Matters regarding the targets, procedures, methods, etc. for the strategic environmental impact assessment, environmental impact assessment and small-scale environmental impact assessment under paragraph (1) shall be prescribed by other Acts.

SECTION 4 Mediation of Disputes and Relief of Damage

Article 42 (Mediation of Disputes)

In preparation for any disputes caused by environmental pollution or environmental damage or other environment-related disputes, the State and local governments shall devise policies necessary to settle such disputes in a rapid and fair manner.

Article 43 (Relief of Damage)

The State and local governments shall devise policies necessary to smoothly relieve any sufferings caused by environmental pollution or environmental damage.

Article 44 (Absolute Liability for Sufferings by Environmental Pollution)

(1) If any suffering is caused by environmental pollution or environmental damage, the person who has caused the environmental pollution or environmental damage shall compensate for the suffering.

(2) If the persons who have caused environmental pollution or environmental damage are two or more, they shall compensate for the suffering under paragraph (1) jointly where it is impossible to find out which person has caused the suffering.

SECTION 5 Establishment of Special Account for Environmental Improvement

Article 45 (Establishment of Special Account for Environmental Improvement)

(1) The Government shall establish a special account for environmental improvement (hereinafter referred to as the “account”) in order to increase investments in environmental improvement projects and to efficiently manage and operate such projects.

(2) The account shall be managed and operated by the Minister of Environment.

Article 46 (Revenues of Account)

The revenues of the account shall be as follows: <Amended on Jul. 28, 2011; Feb. 1, 2012; Apr. 5, 2013; Jul. 16, 2013; Jul. 30, 2013; Jul. 20, 2015; Dec. 22, 2015; Jan. 27, 2016; May 29, 2016; Jan. 17, 2017; Apr. 2, 2019>

1. Revenues from loans prescribed in the Introduction and Management of Public Loans Act;
2. Penalties for excess total pollutant load, additional charges, and penalty surcharges prescribed in Articles 8-5 and 8-6 of the Act on the Improvement of Water Quality and Support for Residents of the Han River Basin; penalties for excess total pollutant load, additional charges, and penalty surcharges prescribed in Articles 13 and 14 of the Act on Water Management and Resident Support in the Nakdong River Basin; penalties for excess total pollutant load, additional charges, and penalty surcharges prescribed in Articles 13 and 14 of the Act on Water Management and Resident Support in the Geum River Basin; and penalties for excess total pollutant load, additional charges, and penalty surcharges prescribed in Articles 13 and 14 of the Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins;
3. Emission dues and additional charges prescribed in Article 35 of the Clean Air Conservation Act, and penalty surcharges for release in excess of the total volume and additional charges prescribed in Article 22 of the Special Act on the Improvement of Air Quality in Air Control Zones;
- 3-2. Inspection fees for verification of defects prescribed in Article 51 of the Clean Air Conservation Act and fees prescribed in subparagraph 2 of Article 86 of that Act;
- 3-3. Deleted; <Dec. 29, 2020>
4. Charges for water quality improvement and additional charges prescribed in Article 31 of the Drinking Water Management Act;
5. Fees prescribed in Article 31 of the Noise and Vibration Control Act and expenses incurred in conducting inspections prescribed in Article 33 of that Act;
6. Effluent charges and additional charges prescribed in Article 41 of the Water Environment Conservation Act;
7. Charges for the public wastewater treatment facilities prescribed in Article 48-2 (1) and the latter part of Article 49-6 (1) of the Water Environment Conservation Act (limited to cases where the executor is the State) and additional charges;
- 7-2. Effluent charges and additional charges prescribed in Article 15 of the Act on the Integrated Control of Pollutant-Discharging Facilities and penalty surcharges prescribed in Article 23 of that Act;
- 7-3. Fees for the use of public wastewater treatment facilities prescribed in Article 48-3 (1) and the latter part of Article 49-6 (1) of the Water Environment Conservation Act (limited to cases where the operator is the State, and excluding cases of entrusting installation or operation to any of the persons falling under any subparagraph of Article 48 (1) of the Water Environment Conservation Act) and additional surcharges;

8. Fees for the use of hunting grounds prescribed in Article 50 of the Wildlife Protection and Management Act;
9. Cooperation charges on the conservation of ecosystem prescribed in Article 46 of the Natural Environment Conservation Act and additional charges prescribed in Article 48 of that Act;
- 9-2. Waste disposal charges and additional charges prescribed in Article 21 of the Framework Act on Resources Circulation;
10. Waste charges and additional charges prescribed in Article 12 of the Act on the Promotion of Saving and Recycling of Resources; recycling dues and additional charges prescribed in Article 19 of that Act; and the principal and interest on loans provided as a part of assistance prescribed in Article 20 of that Act;
11. Recycling charges for electrical and electronic equipment prescribed in Article 18, collection charges for electrical and electronic equipment prescribed in Article 18-2, and additional charges prescribed in Article 18-3, of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles;
12. Guarantee for the performance of follow-up management prescribed in Article 51 of the Wastes Control Act and advance reserves prescribed in Article 52 of that Act;
13. Fees prescribed in Article 23 of the Act on the Transboundary Movement of Hazardous Wastes and Their Disposal;
14. Environmental improvement charges and additional charges prescribed in Articles 9 and 20 of the Environment Improvement Cost Liability Act;
15. Principal and interest on loans prescribed in Article 11 of the Environment Improvement Cost Liability Act;
16. Penalty surcharges prescribed in Article 12 of the Act on Control and Aggravated Punishment of Environmental Offenses;
17. Principal and interest on loans prescribed in Article 47 (1) 14;
18. Transfers from general accounts under Article 48;
19. Borrowings prescribed in Article 49 (1) and (2);
20. Surplus of the account at closing prescribed in Article 51;
21. Transfers and deposits from other special accounts or other funds;
22. Proceeds transferred to the account prescribed in other Acts;
23. Proceeds from the sale or management of property belonging to the account;
24. Other proceeds accruing from the management and operation of environmental improvement projects.

Article 47 (Expenditures from Account)

- (1) Expenditures from the account shall be as follows: Provided, That financial resources consisting of the charges for water quality improvement and additional charges under subparagraph 4 of Article 46 shall be

used only for the purpose of subparagraph 3; financial resources consisting of the charges for the installation of public wastewater treatment facilities and additional charges under subparagraph 7 of that Article and fees for the use of public wastewater treatment facilities and additional charges under subparagraph 7-3 of that Article, only for the purpose of subparagraph 4; financial resources consisting of the cooperation charges on the conservation of ecosystem and additional charges under subparagraph 9 of that Article, only for the purpose of subparagraph 6; financial resources consisting of the waste disposal charges and additional charges under subparagraph 9-2 of that Article, only for the purpose of subparagraph 6-2; financial resources consisting of the waste charges, recycling dues, and additional charges under subparagraph 10 of that Article, only for the purpose of subparagraph 7; financial resources consisting of the recycling charges and additional charges under subparagraph 11 of that Article, only for the purpose of subparagraph 8; financial resources consisting of the guarantee for the performance of follow-up management and advance reserves under subparagraph 12 of that Article, only for the purpose of subparagraph 9; and financial resources consisting of the environmental improvement charges and additional charges under subparagraph 14 of that Article, only for the purpose of subparagraph 12, respectively: <Amended on Jul. 28, 2011; Apr. 5, 2013; Jul. 30, 2013; Jan. 27, 2016; May 29, 2016; Jan. 17, 2017>

1. Projects to improve the national environment;
2. Support for the environmental improvement projects by local governments;
- 2-2. Deleted; <Dec. 29, 2020>
3. The purposes under Articles 31 (7) and 33 of the Drinking Water Management Act;
4. Expenditure to cover expenses needed for the installation or operation of public wastewater treatment facilities by the State under Article 48 (1) of the Water Quality and Aquatic Ecosystem Conservation Act;
5. The use under each subparagraph of Article 58 of the Wildlife Protection and Management Act;
6. The use under Article 49 of the Natural Environment Conservation Act;
- 6-2. The use under Article 22 of the Framework Act on Resources Circulation;
7. The usage under Article 20 of the Act on the Promotion of Saving and Recycling of Resources;
8. The use under Article 19 of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles;
9. The purposes of use under Article 53 of the Wastes Control Act;
10. The reimbursement of expenses incurred, by the State, in performing its responsibilities under Article 4 of the Act on the Transboundary Movement of Hazardous Wastes and Their Disposal and in conducting the vicarious execution under Article 21 of that Act;
11. Contributions to reimburse the project expenses and operational expenses incurred by the Korea Environment Corporation established under the Korea Environment Corporation Act (hereinafter referred to as the “Korea Environment Corporation”);
12. The use under Article 11 of the Environmental Improvement Cost Liability Act;

13. The payment of monetary rewards under Article 15 of the Act on Control and Aggravated Punishment of Environmental Offenses;
 14. Redemption of the principal and interest on loans, borrowings, and deposits under subparagraphs 1, 19, and 21 of Article 46;
 15. Provision of loans needed by local governments for the installation of environmental infrastructure or needed in the private sector for the installation of environmental pollution prevention facilities or for the installation of and technology development for low-polluting product manufacturing facilities;
 16. Support for the private sector regarding environmental policy research, technology development, publicity activities, investigations and research, and environment research institutes;
 17. Reimbursement of expenses for collection of the account revenue;
 18. Other costs incurred in operating the accounts.
- (2) Matters regarding the eligible persons, and conditions of and procedures for loans provided pursuant to paragraph (1) 7, 12, and 15 shall be determined and publicly notified by the Minister of Environment. In such cases, the interest rates and terms for loans shall be determined by the Minister of Environment in consultation with the Minister of Economy and Finance.
- (3) Performance of affairs concerning the loans under paragraph (1) 7, 12 and 15 may be entrusted to the Korea Environment Corporation or the Korea Environmental Industry and Technology Institute established under the Korea Environmental Industry and Technology Institute Act. *<Amended on Apr. 5, 2013; Jul. 16, 2013; Dec. 1, 2015>*

Article 48 (Transfers from General Accounts)

Transfers may be made from the general account to the account, as provided in the budget, so that the account can secure financial resources available for its expenditure.

Article 49 (Loans)

- (1) If the account is in need of financial resources available for its expenditure, long-term borrowings may be made for the account within the limits of the amount of money determined by a resolution of the National Assembly.
- (2) If the account is temporarily in need of its working funds, temporary borrowings may be made for the account.
- (3) The principal of the temporary loans under paragraph (2) and interest thereon shall be paid off within the pertinent fiscal year.

Article 50 (Carry-forward of Expenditure Budget)

The expenditure budget of the account not spent during the fiscal year for which such budget is earmarked may be carried forward to the next fiscal year, notwithstanding Article 48 of the National Finance Act.

Article 51 (Disposal of Surplus)

Any surplus remaining after the closing of accounts shall be appropriated as the revenues of the following year.

Article 52 (Reserve Funds)

The account may include a considerable sum of money in its expenditure budget as a reserve fund to cover any unexpected expenditures not included in the appropriated budget or any expenditures exceeding the appropriated budget.

Article 53 (Direct Use of Excess Revenues)

(1) If there are any emission dues, discharge imposition amounts, penalty surcharges for release in excess of the total volume and additional charges under subparagraphs 3 and 6 of Article 46, any charges for water quality improvement and additional charges under subparagraph 4 of that Article, any charges for the installation of public wastewater treatment facilities and additional charges under subparagraph 7 of that Article, fees for the use of public wastewater treatment facilities and additional charges under subparagraph 7-3 of that Article, and any environmental improvement charges and additional charges under subparagraph 14 of that Article that exceed or are expected to exceed the revenue budget of the account (hereinafter referred to as “excess revenues”), the Minister of Environment may directly use such excess revenues to reimburse expenses for collection of the emission dues and discharge imposition amounts exceeding the expenditure budget of the account, charges for water quality improvement and additional charges under Article 31 (7) of the Drinking Water Management Act, expenses for collection of charges for water quality improvement, expenses for the installation or operation of public wastewater treatment facilities, and expenses for collection of environmental improvement charges, respectively.

<Amended on Jul. 20, 2015; Jan. 27, 2016>

(2) If the Minister of Environment intends to use any excess revenues under paragraph (1), he or she shall obtain approval in advance from the Minister of Strategy and Finance.

(3) If the Minister of Environment intends to obtain approval under paragraph (2), he or she shall prepare a specification stating the reasons therefor and necessary amounts of money and submit it to the Minister of Economy and Finance.

(4) If the Minister of Economy and Finance approves the use of excess revenues under paragraph (2), he or she shall notify the Minister of Environment and the Board of Audit and Inspection of such fact.

CHAPTER III LEGISLATIVE AND FINANCIAL MEASURES

Article 54 (Legislative Measures)

The State and local governments shall take legislative and financial measures and other administrative measures necessary for implementing the policies for environmental conservation.

Article 55 (Financial Support to Local Governments)

- (1) The State may reimburse from the national treasury all or some of the expenses required for environmental conservation projects of local governments.
- (2) In order to enhance the capability of local governments to manage the environment and to promote environment-friendly local administration, the Minister of Environment may designate a local government as a model for environmental management and take measures necessary for supporting it.

Article 56 (Support for Business Entities' Environmental Management)

- (1) The State and local governments may take any tax measures and grant other financial supports necessary for supporting the installation and operation of facilities for the environmental conservation conducted by business entities.
- (2) The State and local governments may grant administrative and financial supports necessary for the settlement and expansion of systems for voluntary environmental management under which business entities endeavor toward the voluntary management of the environment.

Article 57 (Financial Support for Research, Studies and Technology Development)

The State and local governments may grant financial supports necessary for scientific research and studies and technology development related to environmental conservation.

CHAPTER IV ENVIRONMENTAL POLICY COMMITTEE

Article 58 (Environmental Policy Committee)

(1) The Minister of Environment may establish a Central Environmental Policy Committee that deliberates and gives advice on the following matters: <Amended on Dec. 22, 2015; Jan. 27, 2016; Jan. 5, 2021; Jun. 15, 2021>

1. Matters concerning the formulation and modification of a comprehensive national environmental plan under Article 14;
- 1-2. Matters concerning the adjustment of a comprehensive national environmental plan under Article 16-2;
2. Matters concerning environmental standards, permissible emission levels for pollutants, water quality standards for discharged water, etc.;
3. Matters concerning the designation of a special measures area and the establishment of special comprehensive measures prescribed in Article 38;

4. Matters concerning basic plans for the management of livestock excreta prescribed in Article 5 of the Act on the Management and Use of Livestock Excreta and other basic policies for the disposal and recycling of livestock excreta;
 5. Matters concerning basic plans for encouraging the purchase of green products prescribed in Article 4 of the Act on the Promotion of Purchase of Green Products and other basic policies to encourage the purchase of green products;
 6. Matters concerning master plans for the control of persistent pollutants prescribed in Article 5 of the Persistent Pollutants Control Act and other basic policies to control persistent pollutants;
 7. Matters concerning master plans for the development of environmental examination and inspection prescribed in Article 3 of the Environmental Testing and Inspection Act and other basic policies regarding the fields of environmental examination, inspection and environmental technology;
 8. Matters concerning the formulation of the standards for the contents of hazardous substances, the improvement of materials and structure, mandatory recycling rates, etc. prescribed in Articles 9 (1), 10 (1) and (2), 12 (3), 16 (1) and 25 (1) of the Act on Resource Circulation of Electrical and Electronic Equipment and Vehicles;
 - 8-2. Matters concerning best available techniques prescribed in Article 24 (1) of the Act on the Integrated Control of Pollutant-Discharging Facilities and the standard for best available techniques prescribed in paragraph (2) of that Article;
 - 8-3. Matters concerning the master plans and development plans for green convergence clusters under Articles 6 and 9 of the Act on the Creation and Fostering of Green Convergence Clusters;
 9. Matters concerning the formulation and modification of any master plans and measures for environmental conservation by specific areas including environmental policy, natural environment, climate and air, water, water supply and sewerage, natural circulation and global environment, and other matters on which the chairperson of the Central Environmental Policy Committee or of any subcommittee thereof requests the Central Environmental Policy Committee to deliberate or advise.
- (2) In order to deliberate and advise on any regional environmental policy, a City/Do environmental policy committee shall be set up under the jurisdiction of a Mayor/Do Governor, and a Si/Gun/Gu environmental policy committee may be set up under the jurisdiction of the head of a Si/Gun/Gu.
- (3) The Central Environmental Policy Committee prescribed in paragraph (1) shall consist of up to 200 members, including the chairperson thereof and not more than 10 chairpersons of subcommittees in consideration of the gender. <Amended on Jan. 5, 2021>
- (4) The Central Environmental Policy Committee prescribed in paragraph (3) shall be co-chaired by the Minister of Environment and a person elected from among such Committee members who are commissioned by the Minister of Environment from the private sector, and the chairpersons of subcommittees shall be persons who are nominated by the Minister of Environment by specific areas of environmental management including environmental policy, natural environment, climate and air, water, water supply and sewerage, and resource circulation.

(5) Matters necessary for the constitution and operation of the Central Environmental Policy Committee prescribed in paragraph (1) shall be prescribed by Presidential Decree, and other matters necessary for the constitution, operation, etc. of City/Do environmental policy committees and Si/Gun/Gu environmental policy committees prescribed in paragraph (2) shall be prescribed by ordinances of the relevant Cities/Dos and Sis/Guns/Gus.

Article 59 (Korea Environmental Conservation Institute)

(1) For purposes of maintaining pleasant environments and contributing to the improvement of citizens' life by efficiently conducting any research, studies, technology development, education, publicity, ecosystem restoration, etc. regarding environmental conservation, the Korea Environmental Conservation Institute (hereinafter referred to as the "Institute") shall be established. <Amended on Jun. 10, 2022>

(2) The Institute shall be a corporation. <Amended on Jun. 10, 2022>

(3) The State and local governments may provide contributions or subsidies to cover expenses incurred in the operation and programs of the Institute within the budget. <Amended on Jun. 10, 2022>

(4) Funds necessary for the operation and programs of the Institute shall be appropriated from contributions and subsidies referred to in paragraph (3), revenues and fees relating to the programs referred to in the subparagraphs of paragraph (5), donations from persons other than the Government, loans, and other financial resources prescribed by the articles of incorporation. In such cases, matters necessary for the payment, management, and use of contributions or subsidies shall be prescribed by Presidential Decree. <Amended on Jun. 10, 2022>

(5) The Institute may, upon entrustment by the State, local governments, or other persons (hereinafter referred to as the "State, etc."), conduct the following programs: <Amended on Jun. 10, 2022>

1. Environmental education programs for environmental engineers and others and programs to strengthen and support environmental education of the State and local governments;
2. Water environment conservation programs, such as the management and utilization of purchased land, etc. by river system for the improvement of water quality and the restoration of waterside ecosystems, and the investigation of water quality and flow;
3. Programs to restore damaged natural environments and ecosystems;
4. Programs for measuring, investigating, inspecting, evaluating, and researching environmental pollution;
5. Programs for diagnosing, improving, or supporting facilities, etc. for the prevention of environmental pollution;
6. Public relations and domestic and international exchange, cooperation, and support programs regarding environmental conservation or climate change;
7. Programs that may be performed by the Institute under other statutes or regulations or those entrusted by the State, etc.;

8. Other programs prescribed by Presidential Decree to achieve the objectives of the establishment of the Institute or programs incidental to those referred to in subparagraphs 1 through 7 as prescribed by the articles of incorporation.
- (6) The Minister of Environment shall guide and supervise the operation, programs, etc. of the Institute and submit a business plan, budget, program performance, and the closing of accounts for each fiscal year to the Minister of Environment, as prescribed by Presidential Decree. *<Amended on Jun. 10, 2022>*
- (7) The president of the Institute shall be a full-time executive officer appointed by the Minister of Environment, who represents the Institute, have general supervision and control of its affairs and employees. *<Newly Inserted on Jun. 10, 2022>*
- (8) Matters regarding the appointment, dismissal, etc. of executive officers and employees, other than the president of the Institute, shall be prescribed by the articles of incorporation. *<Newly Inserted on Jun. 10, 2022>*
- (9) No person, other than the Institute under this Act, shall use the name "Korea Environmental Conservation Institute" or any similar name. *<Amended on Jun. 10, 2022>*
- (10) Except as provided in this Act, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis to the Institute.

CHAPTER V SUPPLEMENTARY PROVISIONS

Article 60 (Delegation and Entrustment of Authority)

- (1) The authority of the Minister of Environment provided in this Act may be delegated in part to Mayors/Do Governors or to the heads of regional environmental agencies, as prescribed by Presidential Decree.
- (2) The Minister of Environment may entrust the heads of relevant specialized institutions with some of his or her services provided in this Act, as prescribed by Presidential Decree.

Article 61 (Legal Fiction as Public Officials for Purposes of Applying Penalty Provisions)

A person who performs affairs entrusted pursuant to Article 60 (2) shall be deemed a public official for purposes of applying Articles 129 through 132 of the Criminal Act.

ADDENDA *<Act No. 10893, Jul. 21, 2011>*

Article 1 (Enforcement Date)

This Act shall enter into one year after the date of its promulgation.

Article 2 (Repeal of Other Acts)

The Act on Special Accounts for Environmental Improvement is hereby repealed.

Article 3 (General Transitional Measures)

Any designation, publication or other act done by or any act done in relation to an administrative agency under the previous provisions as at the time when this Act enters into force shall be deemed any designation, publication or other act done by or any act done in relation to an administrative agency under this Act.

Article 4 (Transitional Measures concerning Special Accounts for Environmental Improvement)

Any special account for environmental improvement established pursuant to the Act on Special Accounts for Environmental Improvement repealed by the enforcement of this Act shall be deemed any special account for environmental improvement under this Act.

Article 4-2 (Transitional Measures concerning Transfer from General Account to Special Account for Environmental Improvement)

Notwithstanding the amended provisions of Article 48, the traffic, energy and environment tax shall be transferred in accordance with the following until December 31, 2021: *<Amended on Jan. 1, 2013; Dec. 15, 2015; Dec. 31, 2018; Dec. 31, 2019>*

1. The Government shall transfer an amount corresponding to 250/1000 of the traffic, energy and environment tax prescribed in the Traffic, Energy and Environment Tax Act (hereinafter referred to as “amount transferred from the traffic, energy and environment tax”) every fiscal year from the general account to the special account for environmental improvement;
2. Any transfer may be made from the general account to the special account for environmental improvement, as provided in the budget excluding the amounts transferred from the traffic, energy and environment tax, so that the special account can secure financial resources available for its expenditure;
3. If there is any difference between the estimated amount and amount at closing with regard to amounts transferred from the traffic, energy and environment tax, such difference shall be adjusted by appropriating it in the budget for the next settlement year.

Article 5 Omitted.

Article 6 (Relationships with other Acts)

As at the time when this Act enters into force, references in other statutes to the provisions of the previous Framework Act on Environmental Policy or to the Act on Special Accounts for Environmental Improvement or the provisions thereof, if this Act includes any provisions corresponding thereto, shall be deemed references to this Act or the corresponding provisions thereof in lieu of the previous provisions.

ADDENDA *<Act No. 10911, Jul. 25, 2011>*

Article 1 (Enforcement Date)

This Decree shall enter into force three months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 10977, Jul. 28, 2011>

Article 1 (Enforcement Date)

This Act shall enter into one year after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 11256, Feb. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDUM <Act No. 11268, Feb. 1, 2012>

This Act shall enter into force on July 22, 2012.

ADDENDA <Act No. 11603, Jan. 1, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2013.

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 11751, Apr. 5, 2013>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of subparagraph 3-3 of Article 46 and subparagraph 2-2 of Article 47 (1) shall enter into force on January 1, 2015.

ADDENDA <Act No. 11913, Jul. 16, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2014. (Proviso Omitted.)

Articles 2 through 6 Omitted.

ADDENDA <Act No. 11917, Jul. 16, 2013>

Article 1 (Enforcement Date)

This Article shall enter into force six months after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 11980, Jul. 30, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDA <Act No. 13410, Jul. 20, 2015>

Article 1 (Enforcement Date)

This Decree shall enter into force three months after the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDA <Act No. 13534, Dec. 1, 2015>

Article 1 (Enforcement Date)

This Act shall enter into one year after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 13535, Dec. 1, 2015>

This Act shall enter into force on January 1, 2016.

ADDENDA <Act No. 13550, Dec. 15, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on Dec. 31, 2015.

Article 2 Omitted.

ADDENDA <Act No. 13603, Dec. 22, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2017.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 13872, Jan. 27, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the proviso to the main body of Article 11 (1) and the amended provisions of Articles 13, 14 (5) and (6), 16-2, 40 and 40-2 shall enter into force six months after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 13873, Jan. 27, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 13, 14 (5) and (6), 43, and 43-2 shall enter into force six months after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 13879, Jan. 27, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 12 Omitted.

ADDENDA <Act No. 13883, Jan. 27, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 13, 14 (5) and (6), 40, and 40-2 shall enter into force six months after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 13886, Jan. 27, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on the date when the Minamata Convention becomes effective in the Republic of Korea.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 13889, Jan. 27, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 8-5, 29 and 29-2 shall enter into force six months after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDUM <Act No. 13894, Jan. 27, 2016>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 12 (1) shall enter into force on the date of its promulgation.

ADDENDA <Act No. 14229, May 29, 2016>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2018.

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 14494, Dec. 27, 2016>

This Decree shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 14532, Jan. 17, 2017>

Article 1 (Enforcement Date)

This Act shall enter into one year after the date of its promulgation: Provided, That the amended provisions of any Act, which is amended pursuant to Article 6 of the Addenda and promulgated before this Act enters into force but the enforcement date of which has yet to arrive, shall enter into force on the enforcement date of such Act.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 16096, Dec. 31, 2018>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2019.

Article 2 Omitted.

ADDENDUM <Act No. 16267, Jan. 15, 2019>

This Article shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 16305, Apr. 2, 2019>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDUM <Act No. 16619, Nov. 26, 2019>

This Article shall enter into force six months after the date of its promulgation.

ADDENDUM <Act No. 16861, Dec. 31, 2019>

This Act shall enter into force on January 1, 2020.

ADDENDUM <Act No. 17326, May. 26, 2020>

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

ADDENDA <Act No. 17797, Dec. 29, 2020>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 11 Omitted.

ADDENDA <Act No. 17857, Jan. 5, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Article 2 (Applicability to Comprehensive National Environmental Plan)

The amended provisions of Article 15 shall begin to apply to the formulation or modification of a comprehensive national environmental plan under Article 14 or the adjustment thereof under Article 16-2 (1) after this Act enters into force.

Article 3 (Transitional Measures concerning Formulation of City/Do Environmental Plans and Si/Gun/Gu Environmental Plans)

A City/Do environmental conservation plan and a Si/Gun/Gu environmental conservation plan formulated under the previous provisions as at the time this Act enters into force shall be deemed a City/Do environmental plan and a Si/Gun/Gu environmental plan formulated under the amended provisions of Articles 18, 18-2, 19, and 19-2, respectively.

Article 4 Omitted.

ADDENDA <Act No. 18283, Jun. 15, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 4 Omitted.

ADDENDA <Act No. 18469, Sep. 24, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 10 Omitted.

ADDENDA <Act No. 18584, Dec. 21, 2021>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2022.

Article 2 Omitted.

ADDENDA <Act No. 18918, Jun. 10, 2022>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Korea Environmental Preservation Association)

(1) The Korea Environmental Preservation Association established under the previous provisions as at the time this Act enters into force shall be deemed the Korea Environmental Conservation Institute established under this Act, and shall be deemed dissolved simultaneously with the establishment of the Korea Environmental Conservation Institute, notwithstanding the provisions of the Civil Act governing the dissolution and liquidation of corporations.

(2) The conduct of the Korea Environmental Preservation Association and other legal relations as at the time this Act enters into force shall be deemed done by the Korea Environmental Conservation Institute.

(3) The name of the Korea Environmental Preservation Association on the register and other public records as at the time this Act enters into force shall be deemed the name of the Korea Environmental Conservation Institute.

(4) The property, rights, and obligations of the Korea Environmental Preservation Association as at the time this Act enters into force shall be comprehensively taken over by the Korea Environmental Conservation Institute at the same time the Korea Environmental Conservation Institute is established. In such cases, the value of the property the Korea Environmental Conservation Institute has succeeded to shall be the book value as at the time the Korea Environmental Preservation Association acquires such property.

(5) Executive officers or employees of the Korea Environmental Preservation Association as at the time this Act enters into force shall be deemed selected or appointed as executive officers or employees of the Korea Environmental Conservation Institute. In such cases, the term of office of the executive officer shall be counted from the date he or she was appointed as an executive officer of the Korea Environmental Preservation Association.

Article 3 Omitted.

Article 4 (Relationship to Other Statutes or Regulations)

A citation of the Korea Environmental Preservation Association in other statutes or regulations as at the time this Act enters into force shall be deemed a citation of the Korea Environmental Conservation Institute in lieu of the Korea Environmental Preservation Association.

Last updated : 2023-04-21

Annex 577

Dutch Civil Code 1990, 20 February 1990, as amended from time to time and updated in 2024, Articles 6:175(1) and 6:175(4) (Dutch original and English translation)

[. . .]

Book 6: Title 3. Torts Section 1. General

[. . .]

Article 175

1. The person who uses or has in his possession a substance in the course of his profession or business, where it is known that this substance has such properties that it presents a special danger of a serious nature to persons or property, shall be liable if this danger materializes. A person carrying on a business shall include any legal person who uses or has in his possession the substance in the course of his duties. A special danger of a serious nature shall in any case mean that the substance is explosive, oxidizing, flammable, highly flammable or extremely flammable, or poisonous or extremely poisonous if the substance is classified as such in accordance with Articles 3 and 4 and Title II of Regulation (EC) No. 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labeling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJEU L 353).

[. . .]

4. If the damage is a result of contamination with the substance of air, water or soil, the liability from subsection 1 to the person who was designated as liable by this article at the beginning of the event causing pollution. If the contamination occurred because the substance entered water or soil in a packaged state or was left on the soil, that event shall be deemed to have already commenced at that time.

[. . .]

Boek 6: Titel 1. Verbintenissen in het algemeen Afdeling 1. Algemene bepalingen

[. . .]

Artikel 175

- 1 Degene die in de uitoefening van zijn beroep of bedrijf een stof gebruikt of onder zich heeft, terwijl van deze stof bekend is dat zij zodanige eigenschappen heeft, dat zij een bijzonder gevaar van ernstige aard voor personen of zaken oplevert, is aansprakelijk, wanneer dit gevaar zich verwezenlijkt. Onder degene die een bedrijf uitoefent, wordt mede begrepen elke rechtspersoon die de stof in de uitoefening van zijn taak gebruikt of onder zich heeft. Als bijzonder gevaar van ernstige aard geldt in elk geval dat de stof ontplofbaar, oxyderend, ontvlambaar, licht ontvlambaar of zeer licht ontvlambaar, dan wel vergiftig of zeer vergiftig is indien de stof als zodanig is ingedeeld overeenkomstig de artikelen 3 en 4 en titel II van verordening (EG) nr. 1272/2008 van het Europees Parlement en de Raad van de Europese Unie van 16 december 2008 betreffende de indeling, etikettering en verpakking van stoffen en mengsels tot wijziging en intrekking van de Richtlijnen 67/548/EEG en 1999/45/EG en tot wijziging van Verordening (EG) nr. 1907/2006 (PbEU L 353).

[. . .]

- 4 Is de schade een gevolg van verontreiniging met de stof van lucht, water of bodem, dan rust de aansprakelijkheid uit het eerste lid op degene die bij de aanvang van de tot verontreiniging leidende gebeurtenis door dit artikel als aansprakelijke persoon werd aangewezen. Heeft de verontreiniging plaatsgevonden doordat de stof in verpakte toestand in water of bodem is gekomen of op de bodem is achtergelaten, dan wordt die gebeurtenis geacht op dit tijdstip reeds te zijn aangevangen.

[. . .]

Annex 578

Constitution of the Russian Federation, 12 December 1993, as amended from
time to time and updated in 2022

THE CONSTITUTION OF THE RUSSIAN FEDERATION

*adopted by popular vote on 12 December 1993,
with amendments approved by all-Russian vote on 1 July 2020*

We, the multinational people of the Russian Federation, united by a common fate on our land, establishing human rights and freedoms, civil peace and accord, preserving the historically established State unity, proceeding from universally acknowledged principles of equality and self-determination of peoples, proceeding from universally acknowledged principles of equality and self-determination of peoples, revering the memory of ancestors who have passed on to us their love for the Fatherland and faith in good and justice, reviving the sovereign statehood of Russia and asserting the firmness of its democratic basis, striving to ensure the well-being and prosperity of Russia, proceeding from the responsibility for our Fatherland before present and future generations, recognizing ourselves to be a part of the world community, do hereby adopt THE CONSTITUTION OF THE RUSSIAN FEDERATION.

SECTION ONE

CHAPTER 1 THE BASIS OF THE CONSTITUTIONAL SYSTEM

Article 1

1. The Russian Federation – Russia is a democratic federative law-governed state with a republican form of government.
2. The names Russian Federation and Russia are equipollent.

Article 2

Man, his rights and freedoms shall be the supreme value. The recognition, observance and protection of human and civil rights and freedoms shall be an obligation of the State.

Article 3

1. The bearer of sovereignty and the sole source of power in the Russian Federation shall be its multinational people.
2. The people shall exercise its power directly, as well as through State government bodies and local self-government bodies.
3. The supreme direct expression of the power of the people shall be

referendum and free elections.

4. Nobody may usurp power in the Russian Federation. The seizure of power or usurpation of State authority shall be prosecuted under federal law.

Article 4

1. The sovereignty of the Russian Federation shall extend to the entirety of its territory.

2. The Constitution of the Russian Federation and federal laws shall have supremacy on the entire territory of the Russian Federation.

3. The Russian Federation shall ensure the integrity and inviolability of its territory.

Article 5

1. The Russian Federation shall consist of republics, krays, oblasts, cities of federal significance, an autonomous oblast and autonomous okrugs, which shall have equal rights as constituent entities of the Russian Federation.

2. A republic (state) shall have its own constitution and legislation. A kray, oblast, city of federal significance, autonomous oblast and autonomous okrug shall have its own charter and legislation.

3. The federal structure of the Russian Federation shall be based on its State integrity, the unity of the system of State power, the division of matters of authority and powers between State government bodies of the Russian Federation and State government bodies of constituent entities of the Russian Federation, the equality and self-determination of peoples in the Russian Federation.

4. All constituent entities of the Russian Federation shall be equal with one another in relations with federal State government bodies.

Article 6

1. Citizenship of the Russian Federation shall be acquired and terminated in accordance with federal law, and shall be one and equal, irrespective of the grounds on which it is acquired.

2. Every citizen of the Russian Federation shall enjoy all rights and freedoms on its territory and shall bear equal responsibilities as envisaged in the Constitution of the Russian Federation.

3. A citizen of the Russian Federation may not be deprived of his (her)

citizenship or of the right to change it.

Article 7

1. The Russian Federation shall be a social state whose policy is aimed at creating conditions ensuring a worthy life and a free development of Man.

2. In the Russian Federation the labour and health of people shall be protected, a guaranteed minimum wage shall be established, State support shall be provided for the family, maternity, fatherhood and childhood, to the disabled and to elderly citizens, the system of social services shall be developed and State pensions, allowances and other social security guarantees shall be established.

Article 8

1. In the Russian Federation the integrity of economic space, free flow of goods, services and financial resources, support of competition, and the freedom of economic activity shall be guaranteed.

2. In the Russian Federation private, State, municipal and other forms of property shall be recognized and shall be protected on an equal basis.

Article 9

1. Land and other natural resources shall be utilized and protected in the Russian Federation as the basis of the life and activity of the peoples living on the territories concerned.

2. Land and other natural resources may be subject to private, State, municipal and other forms of ownership.

Article 10

State power in the Russian Federation shall be exercised on the basis of its division into legislative, executive and judicial authority. Bodies of legislative, executive and judicial authority shall be independent.

Article 11

1. State power in the Russian Federation shall be exercised by the President of the Russian Federation, the Federal Assembly (the Council of Federation and the State Duma), the Government of the Russian Federation, and the courts of the Russian Federation.

2. State power in constituent entities of the Russian Federation shall be exercised by bodies of State government formed by those constituent entities.

3. The division of authorities and powers among State government bodies of the Russian Federation and State government bodies of constituent entities of the Russian Federation shall be established by this Constitution, the Federation Treaty and other treaties on the division of authorities and powers.

Article 12

Local self-government shall be recognized and guaranteed in the Russian Federation. Local self-government shall be independent within the limits of its competence. Bodies of local self-government shall not form part of the system of State government bodies.

Article 13

1. Ideological diversity shall be recognized in the Russian Federation.
2. No ideology shall be proclaimed as State ideology or as obligatory.
3. Political diversity and the multi-party system shall be recognized in the Russian Federation.
4. Public associations shall be equal before the law.
5. The establishment and activities of public associations whose goals and activities are aimed at the forcible changing of the basis of the constitutional order and at violating the integrity of the Russian Federation, at undermining its security, at creating armed units, and at instigating social, racial, national and religious strife shall be prohibited.

Article 14

1. The Russian Federation shall be a secular state. No religion may be established as the State religion or as obligatory.
2. Religious associations shall be separate from the State and shall be equal before the law.

Article 15

1. The Constitution of the Russian Federation shall have supreme legal force, direct effect and shall be applicable on the entire territory of the Russian Federation. Laws and other legal acts, which are adopted in the Russian Federation, must not contradict the Constitution of the Russian Federation.
2. State government bodies, local self-government bodies, officials, citizens and their associations shall be obliged to observe the Constitution of the Russian Federation and laws.

3. Laws must be officially published. Unpublished laws shall not have force. Any normative legal acts concerning human and civil rights, freedoms and obligations shall not have force unless they have been officially published for the information of the general public.

4. Universally recognized principles and norms of international law as well as international agreements of the Russian Federation should be an integral part of its legal system. If an international agreement of the Russian Federation establishes rules, which differ from those stipulated by law, then the rules of the international agreement shall be applied.

Article 16

1. The provisions of this Chapter of the Constitution shall constitute the fundamental principles of the constitutional order of the Russian Federation and may not be changed except in accordance with the procedure established by this Constitution.

2. No other provisions of this Constitution may conflict with the fundamental principles of the constitutional order of the Russian Federation.

CHAPTER 2 HUMAN AND CIVIL RIGHTS AND FREEDOMS

Article 17

1. In the Russian Federation human and civil rights and freedoms shall be recognized and guaranteed according to the universally recognized principles and norms of international law and this Constitution.

2. Basic human rights and freedoms shall be inalienable and shall be enjoyed by everyone from birth.

3. The exercise of human and civil rights and freedoms must not violate the rights and freedoms of other people.

Article 18

Human and civil rights and freedoms shall have direct force. They shall determine the meaning, content and implementation of laws, the functioning of legislative and executive authority and of local self-government, and shall be guaranteed by law.

Article 19

1. All persons shall be equal before the law and the court.

2. The State guarantees the equality of human and civil rights and freedoms

regardless of sex, race, nationality, language, origin, material and official status, place of residence, attitude to religion, convictions, membership of public associations, or of other circumstances. All forms of limitations of human rights on social, racial, national, language or religious grounds shall be prohibited.

3. Men and women shall enjoy equal rights and freedoms and equal opportunities to exercise them.

Article 20

1. Everyone shall have the right to life.

2. Capital punishment until its complete abolition may be established by federal law as an exclusive form of punishment for particularly grave crimes against life, and the accused shall be granted the right to have his case examined by a court with the participation of a jury.

Article 21

1. Human dignity shall be protected by the State. Nothing may serve as a basis for its derogation.

2. Nobody should be subjected to torture, violence, or other severe or humiliating treatment or punishment. Nobody may be subjected to medical, scientific or other experiments without voluntary consent.

Article 22

1. Everyone shall have the right to freedom and personal inviolability.

2. Arrest, detention and keeping in custody shall be permissible only under a court order. A person may not be detained for more than 48 hours without a court order.

Article 23

1. Everyone shall have the right to the inviolability of his (her) private life, personal and family privacy, and protection of his (her) honour and good name.

2. Everyone shall have the right to privacy of correspondence, of telephone conversations and of postal, telegraph and other communications. This right may be limited only on the basis of a court order.

Article 24

1. Collecting, keeping, using and disseminating information about the private life of a person shall not be permitted without his (her) consent.

2. State government bodies and local self-government bodies and their officials shall be obliged to provide everyone with access to documents and materials directly affecting his (her) rights and freedoms, unless otherwise envisaged by law.

Article 25

The home shall be inviolable. Nobody shall have the right to enter a dwelling place against the will of those residing therein, except in those cases provided for by federal laws or on the basis of a court order.

Article 26

1. Everyone shall have the right to determine and declare his (her) nationality. Nobody shall be forced to determine and declare his (her) nationality.

2. Everyone shall have the right to use his (her) native language and to a free choice of the language of communication, upbringing, education and creative work.

Article 27

1. Everyone who is legally present on the territory of the Russian Federation shall have the right to travel freely and freely to choose the place of temporary or permanent residence.

2. Everyone may freely leave the Russian Federation. Citizens of the Russian Federation shall have the right freely to return to the Russian Federation.

Article 28

Everyone shall be guaranteed freedom of conscience and religion, including the right to profess individually or collectively any religion or not to profess any religion, and freely to choose, possess and disseminate religious and other convictions and act in accordance with them.

Article 29

1. Everyone shall be guaranteed freedom of thought and speech.

2. Propaganda or agitation, which arouses social, racial, national or religious hatred and hostility, shall be prohibited. Propaganda of social, racial, national, religious or linguistic supremacy shall also be prohibited.

3. Nobody shall be forced to express his thoughts and convictions or to deny them.

4. Everyone shall have the right freely to seek, receive, transmit, produce and disseminate information by any legal means. The list of types of information, which

constitute State secrets, shall be determined by federal law.

5. The freedom of the mass media shall be guaranteed. Censorship shall be prohibited.

Article 30

1. Everyone shall have the right of association, including the right to establish trade unions for the protection of his (her) interests. The freedom of activity of public associations shall be guaranteed.

2. Nobody may be compelled to join any association or to stay there.

Article 31

Citizens of the Russian Federation shall have the right to assemble peacefully, without weapons, hold rallies, mass meetings and demonstrations, marches and pickets.

Article 32

1. Citizens of the Russian Federation shall have the right to participate in managing State affairs both directly and through their representatives.

2. Citizens of the Russian Federation shall have the right to elect and be elected to State government bodies and local self-government bodies, as well as to participate in referendums.

3. Citizens who are recognized as incapable by a court, and citizens who are kept in places of imprisonment under a court sentence, shall not have the right to elect and be elected.

4. Citizens of the Russian Federation shall enjoy equal access to State service.

5. Citizens of the Russian Federation shall have the right to participate in administering justice.

Article 33

Citizens of the Russian Federation shall have the right to appeal in person and make individual and collective appeals to State bodies and local self-government bodies.

Article 34

1. Everyone shall have the right to use freely his (her) abilities and property for entrepreneurial and other economic activity not prohibited by law.

2. Economic activity aimed at monopolization and unfair competition shall not be permitted.

Article 35

1. The right of private property shall be protected by law.

2. Everyone shall have the right to have property and to possess, use and dispose of it both individually and jointly with other persons.

3. Nobody may be deprived of property except under a court order. Forced alienation of property for State requirements may take place only subject to prior and equal compensation.

4. The right of inheritance shall be guaranteed.

Article 36

1. Citizens and their associations shall have the right to possess land as private property.

2. Possession, utilisation and disposal of land and other natural resources shall be exercised by the owners freely provided that this is not detrimental to the environment and does not violate the rights and lawful interests of other people.

3. The conditions and procedure for the use of land shall be determined by federal law.

Article 37

1. Labour shall be free. Everyone shall have the right freely to use his (her) labour skills and to choose the type of activity and occupation.

2. Compulsory labour shall be forbidden.

3. Everyone shall have the right to work in conditions, which meet safety and hygiene requirements, and to receive remuneration for labour without any discrimination whatsoever and not below the minimum wage established by federal law, as well as the right of protection against unemployment.

4. The right of individual and collective labour disputes with the use of the methods for their resolution, which are provided for by federal law, including the right to strike, shall be recognized.

5. Everyone shall have the right to rest. For those working under labour contracts the duration of work time, days of rest and public holidays and annual paid

leave established by federal law shall be guaranteed.

Article 38

1. Maternity, childhood and family shall be protected by the State.
2. Care for children and their upbringing shall be the equal right and duty of parents.
3. Able-bodied children over 18 years of age must take care of disabled parents.

Article 39

1. Everyone shall be guaranteed social security for old age, in case of illness, disability and loss of the bread-winner, for the bringing up of children and in other cases specified by law.
2. State pensions and social benefits shall be established by law.
3. Voluntary social insurance, the creation of additional forms of social security and charity shall be encouraged.

Article 40

1. Everyone shall have the right to a home. Nobody may be arbitrarily deprived of his (her) home
2. State government bodies and local self-government bodies shall promote housing construction and create conditions for exercising the right to a home.
3. Low-income citizens and other citizens mentioned in law who are in need of a home may receive it either free of charge or for an affordable payment from State, municipal and other housing funds according to the norms established by law.

Article 41

1. Everyone shall have the right to health protection and medical care. Medical care in State and municipal health institutions shall be rendered to citizens free of charge at the expense of the appropriate budget, insurance premiums and other proceeds.
2. In the Russian Federation federal programmes for the protection and improvement of the health of the public shall be financed, measures shall be taken to develop State, municipal and private healthcare systems, and activities shall be encouraged which contribute to the improvement of human health, the development of

physical education and sport, and ecological, sanitary and epidemiological well-being.

3. The concealment by officials of facts and circumstances, which pose a threat to the life and health of people, shall result in liability according to federal law.

Article 42

Everyone shall have the right to a favourable environment, reliable information on the state of the environment and compensation for damage caused to his (her) health and property by violations of environmental laws.

Article 43

1. Everyone shall have the right to education.

2. General access and free pre-school, secondary and secondary vocational education in State and municipal educational institutions and at enterprises shall be guaranteed.

3. Everyone shall have the right to receive on a competitive basis free higher education in State and municipal educational institutions and at enterprises.

4. Basic general education shall be compulsory. Parents or guardians shall ensure that children receive a basic general education.

5. The Russian Federation shall establish federal State educational standards and shall support various forms of education and self-education.

Article 44

1. Everyone shall be guaranteed the freedom of literary, artistic, scientific, technical and other types of creative activity and teaching. Intellectual property shall be protected by law.

2. Everyone shall have the right to participate in cultural life and use cultural establishments, and the right of access to cultural valuables.

3. Everyone shall be obliged to care for the preservation of the cultural and historical heritage, and to protect monuments of history and culture.

Article 45

1. State protection of human and civil rights and freedoms in the Russian Federation shall be guaranteed.

2. Everyone shall have the right to protect his (her) rights and freedoms by all

means not prohibited by law.

Article 46

1. Everyone shall be guaranteed protection in court of his (her) rights and freedoms.
2. Decisions and actions (or inaction) of State government bodies, local self-government bodies, public organisations and officials may be appealed against in court.
3. Everyone shall have the right in accordance with international treaties of the Russian Federation to appeal to interstate bodies for the protection of human rights and freedoms if all available internal means of legal protection have been exhausted.

Article 47

1. Nobody may be deprived of the right to have his (her) case heard in the court and by the judge within whose competence the case is placed by law.
2. Any person accused of committing a crime shall have the right to have his (her) case examined by a court with the participation of a jury in the cases envisaged by federal law.

Article 48

1. Everyone shall be guaranteed the right to qualified legal assistance. In the cases envisaged by law, legal assistance shall be provided free of charge.
2. Any person detained, taken into custody or accused of committing a crime shall have the right to use the assistance of a lawyer (counsel for the defence) from the moment of being detained, placed in custody or accused.

Article 49

1. Any person accused of committing a crime shall be considered innocent until his (her) guilt is proven in accordance with the procedure stipulated by federal law and is confirmed by a court sentence which has entered into legal force.
2. The accused shall not be obliged to prove his (her) innocence.
3. Irremovable doubts about the guilt of a person shall be interpreted in favour of the accused.

Article 50

1. Nobody may be convicted twice for one and the same crime.

2. In administering justice it shall not be permitted to use evidence received through violating federal law.

3. Any person convicted of a crime shall have the right to appeal against the verdict to a higher court in accordance with the procedure established by federal law, as well as to request pardon or mitigation of the punishment.

Article 51

1. Nobody shall be obliged to testify against himself, his (her) spouse or close relatives, the range of whom shall be determined by federal law.

2. Federal law may establish other cases where the obligation to give evidence may be lifted.

Article 52

The rights of victims of crimes and of abuses of office shall be protected by law. The State shall provide the victims with access to justice and compensation for damage sustained.

Article 53

Everyone shall have the right to State compensation for damage caused by unlawful actions (inaction) of State government bodies and their officials.

Article 54

1. A law, which introduces or increases liability, shall not have retroactive force.

2. Nobody may bear liability for an action, which was not regarded as a crime when it was committed. If, after an offense has been committed, the extent of liability for it is lifted or mitigated, the new law shall be applied.

Article 55

1. The enumeration in the Constitution of the Russian Federation of the basic rights and freedoms should not be interpreted as a denial or diminution of other universally recognized human and civil rights and freedoms.

2. In the Russian Federation no laws must be adopted which abolish or diminish human and civil rights and freedoms.

3. Human and civil rights and freedoms may be limited by federal law only to the extent necessary for the protection of the basis of the constitutional order, morality, health, rights and lawful interests of other people, and for ensuring the

defence of the country and the security of the State.

Article 56

1. In the conditions of a state of emergency, in order to ensure the safety of citizens and the protection of the constitutional order and in accordance with federal constitutional law, certain restrictions may be imposed on human rights and freedoms with an indication of their limits and the period for which they have effect.

2. A state of emergency on the entire territory of the Russian Federation and in certain areas thereof may be introduced subject to the circumstances and in accordance with the procedure stipulated by federal constitutional law.

3. The rights and freedoms specified in Articles 20, 21, 23 (part 1), 24, 28, 34 (part 1), 40 (part 1), and 46—54 of the Constitution of the Russian Federation might not be restricted.

Article 57

Everyone shall be obliged to pay legally established taxes and levies. Laws, which establish new taxes or deteriorate the position of taxpayers, shall not have retroactive force.

Article 58

Everyone shall have a duty to preserve nature and the environment and to treat natural resources with care.

Article 59

1. Defence of the Fatherland shall be the duty and obligation of a citizen of the Russian Federation.

2. Citizens of the Russian Federation shall perform military service in accordance with federal law.

3. In the event that their convictions or religious beliefs run counter to military service and in other cases established by federal law, citizens of the Russian Federation shall have the right to replace it with alternative civilian service.

Article 60

A citizen of the Russian Federation may exercise all of his (her) rights and duties independently from the age of 18 years.

Article 61

1. A citizen of the Russian Federation may not be deported from the Russian Federation or extradited to another state.

2. The Russian Federation shall guarantee its citizens protection and patronage abroad.

Article 62

1. A citizen of the Russian Federation may have citizenship of a foreign state (dual citizenship) in accordance with federal law or an international treaty of the Russian Federation.

2. The possession of foreign citizenship by a citizen of the Russian Federation shall not diminish his (her) rights and freedoms and shall not release him from obligations stipulated for Russian citizenship, unless otherwise specified by federal law or an international treaty of the Russian Federation.

3. Foreign citizens and stateless persons shall enjoy rights and bear obligations in the Russian Federation on a par with citizens of the Russian Federation, except in those cases envisaged by federal law or by an international treaty of the Russian Federation.

Article 63

1. The Russian Federation shall grant political asylum to foreign citizens and stateless persons in accordance with the universally recognized norms of international law.

2. In the Russian Federation persons who are persecuted for their political convictions or for actions (or inaction) not recognized as a crime in the Russian Federation may not be extradited to other states. The extradition of persons accused of a crime, as well as the surrender of convicts to serve sentence in other states, shall be carried out on the basis of federal law or an international treaty of the Russian Federation.

Article 64

The provisions of this Chapter shall constitute the fundamental principles of the legal status of the individual in the Russian Federation and may not be changed otherwise than in accordance with the procedure which is established by this Constitution.

CHAPTER 3 THE FEDERAL STRUCTURE

Article 65

1. The Russian Federation shall be composed of the following constituent

entities of the Russian Federation:

Republic of Adygeya (Adygeya), Republic of Altai, Republic of Bashkortostan, Republic of Buryatia, Republic of Dagestan, Donetsk People's Republic, Republic of Ingushetia, Kabardino-Balkarian Republic, Republic of Kalmykia, Karachayev-Cherkessian Republic, Republic of Karelia, Komi Republic, Republic of Crimea, Lugansk People's Republic, Republic of Marij El, Republic of Mordovia, Republic of Sakha (Yakutia), Republic of North Osetia – Alania, Republic of Tatarstan (Tatarstan), Republic of Tuva, Udmurtian Republic, Republic of Khakasia, Chechen Republic, Chuvashi Republic – Chuvashia;

Altai kray, Zabaikalie kray, Kamchatka kray, Krasnodar kray, Krasnoyarsk kray, Perm kray, Primorie kray, Stavropol kray, Khabarovsk kray;

Amur oblast, Arkhangelsk oblast, Astrakhan oblast, Belgorod oblast, Bryansk oblast, Vladimir oblast, Volgograd oblast, Vologda oblast, Voronezh oblast, Zaporozhye oblast, Ivanovo oblast, Irkutsk oblast, Kaliningrad oblast, Kaluga oblast, Kemerovo oblast - Kuzbass, Kirov oblast, Kostroma oblast, Kurgan oblast, Kursk oblast, Leningrad oblast, Lipetsk oblast, Magadan oblast, Moscow oblast, Murmansk oblast, Nizhni Novgorod oblast, Novgorod oblast, Novosibirsk oblast, Omsk oblast, Orenburg oblast, Oryol oblast, Penza oblast, Pskov oblast, Rostov oblast, Ryazan oblast, Samara oblast, Saratov oblast, Sakhalin oblast, Sverdlovsk oblast, Smolensk oblast, Tambov oblast, Tver oblast, Tomsk oblast, Tula oblast, Tyumen oblast, Ulyanovsk oblast, Kherson oblast, Chelyabinsk oblast, Yaroslavl oblast;

Moscow, St. Petersburg, Sevastopol' - cities of federal significance;

the Jewish autonomous oblast;

Nenets autonomous okrug, Khanty-Mansijsk autonomous okrug – Yugra, Chukotka autonomous okrug, Yamalo-Nenets autonomous okrug.

2. Admission into the Russian Federation and creation of a new constituent entity shall take place in accordance with the procedure established by federal constitutional law.

Article 66

1. The status of a republic shall be determined by the Constitution of the Russian Federation and the constitution of the republic.

2. The status of a kray, oblast, city of federal significance, autonomous oblast, autonomous okrug shall be determined by the Constitution of the Russian Federation and the charter of the kray, oblast, city of federal significance, autonomous oblast and autonomous okrug which is adopted by the legislative (representative) body of the corresponding constituent entity of the Russian Federation.

3. On a submission from legislative and executive bodies of an autonomous oblast or autonomous okrug, a federal law concerning an autonomous oblast or autonomous okrug may be adopted.

4. Relations among autonomous okrugs within krays and oblasts may be regulated by federal law or by a treaty between State government bodies of the autonomous okrug and, accordingly, State government bodies of the kray or oblast.

5. The status of a constituent entity of the Russian Federation may be changed by mutual agreement between the Russian Federation and the constituent entity of the Russian Federation in accordance with federal constitutional law.

Article 67

1. The territory of the Russian Federation shall comprise the territories of its constituent entities, inland waters and territorial sea and the air space over them. Within the territory of the Russian Federation federal territories can be created in accordance with federal law. Organisation of public authority within federal territories is established by the aforementioned federal law.

2. The Russian Federation shall have sovereign rights and exercise jurisdiction on the continental shelf and in the exclusive economic zone of the Russian Federation in accordance with the procedure specified by federal law and norms of international law.

2¹. The Russian Federation ensures protection of its sovereignty and territorial integrity. Any actions (except delimitation, demarcation, re-demarcation of the state border of the Russian Federation with bordering states) aimed at alienation of the part of the territory of the Russian Federation, as well as calls upon such actions are precluded.

3. Borders between constituent entities of the Russian Federation may be changed upon their mutual consent.

Article 67¹

1. The Russian Federation is the legal successor of the Union of SSR within its territory, and a legal successor (legal continuator) of the Union of SSR as regards membership in international organisations and their bodies, participation in international treaties, and as regards obligations of the Union of SSR foreseen by international treaties and its active assets outside the territory of the Russian Federation.

2. The Russian Federation, united by the millennium history, preserving the memory of the ancestors who conveyed to us ideals and belief in God, as well as continuity of development of the Russian state, recognises the unanimity of the State

that was established historically.

3. The Russian Federation honours the memory of the defenders of the Fatherland, ensures protection of historical truth. Diminution of the heroic deed of the people defending the Fatherland is precluded.

4. Children are the most important priority of the state policy of Russia. The state creates conditions contributing to comprehensive spiritual, moral, intellectual and physical development of children, upbringing of their patriotism, civic consciousness and respect towards elders. The state, ensuring priority of family upbringing, undertakes to fulfil parental obligations towards children left without care.

Article 68

1. The State language of the Russian Federation in all of its territory shall be Russian language, as a language of the state-constituting nation a member of the multinational union of equal nations of the Russian Federation.

2. Republics shall have the right to establish their own State languages. In State government bodies, local self-government bodies and State institutions of republics they shall be used together with the State language of the Russian Federation.

3. The Russian Federation shall guarantee all of its peoples the right to preserve their native language and to create conditions for its study and development.

4. Culture in the Russian Federation is a unique heritage of its multinational people. Culture is supported and protected by state.

Article 69

1. The Russian Federation shall guarantee the rights of indigenous small peoples in accordance with the universally recognized principles and norms of international law and international treaties of the Russian Federation.

2. The state protects cultural identity of all the nations and ethnic communities of the Russian Federation, guarantees preservation of ethnic-cultural and language variety.

3. The Russian Federation provides support to compatriots living abroad in exercising their rights, ensuring protection of their interests and preserving all-Russian cultural identity.

Article 70

1. The state flag, emblem and anthem of the Russian Federation, their

description and the procedure for the official use thereof shall be established by federal constitutional law.

2. The capital of the Russian Federation shall be the city of Moscow. The status of the capital shall be established by federal law. Another city defined by a federal constitutional law can be the place of residents of certain federal bodies of state power.

Article 71

The Russian Federation shall have jurisdiction over:

- a) the adoption and amending of the Constitution of the Russian Federation and federal laws, control over compliance therewith;
- b) the federative structure and the territory of the Russian Federation;
- c) regulation and protection of human and civil rights and freedoms; citizenship in the Russian Federation, regulation and protection of the rights of national minorities;
- d) organisation of public power; establishment of the system of federal legislative, executive and judicial bodies, the procedure for their organisation and activities, the formation of federal State government bodies;
- e) federal State property and administration thereof;
- f) establishment of the basic principles of federal policy, and federal programs in the spheres of state, economical, ecological, scientific and technological, social, cultural and national development of the Russian Federation; establishment of unified basic legal foundations of healthcare system, upbringing and education system, including continuous education;
- g) establishment of the basic legal principles for the unified market; financial, currency, credit and customs regulation; money emission; the basic principles of pricing policy, federal economic services, including federal banks;
- h) the federal budget, federal taxes and levies, federal funds of regional development;
- i) federal power-engineering systems, nuclear power, fissile materials, federal transport, communication lines, information technologies and communication, activities in space;
- j) foreign policy and international relations of the Russian Federation,

international treaties of the Russian Federation, issues of war and peace;

- k) foreign economic relations of the Russian Federation;
- l) defence and security; military production; determination of the procedure for selling and purchasing weapons, ammunition, military equipment and other military hardware; production of poisonous substances, narcotic substances and the procedure for their use; ensuring security of person, society and state in using information technologies, circulation of digital data;
- m) determination of the status and protection of the State border, territorial sea, air space, the exclusive economic zone and the continental shelf of the Russian Federation;
- n) the judicial system, public prosecution, criminal and criminal-executive legislation, amnesty and remission, civil legislation, procedural legislation, legal regulation of intellectual property;
- o) federal collision law;
- p) metrological service, standards, samples, metric and time systems; geodesy and cartography; names of geographical units; meteorological service; official statistics and accounting;
- q) State awards and honorary titles of the Russian Federation;
- r) federal state service; establishment of restrictions for holding state and municipal posts, posts of state and municipal service, including restrictions connected to foreign citizenship or residential permit or another document certifying the right of the Russian Federation citizen to full-time residence in the foreign state, as well as restrictions connected to opening and presence of bank accounts (deposits), keeping of cash assets and valuables in foreign banks situated outside the territory of the Russian Federation.

Article 72

1. The following shall be within the joint jurisdiction of the Russian Federation and constituent entities of the Russian Federation:

- a) measures to ensure the correspondence of constitutions and laws of republics, the charters, laws and other normative legal acts of krais, oblasts, cities of federal significance, autonomous oblast and autonomous okrugs to the Constitution of the Russian Federation and federal laws;
- b) protection of human and civil rights and freedoms, protection of the rights of national minorities, ensuring lawfulness, law and order, public security; border zone regimes;

- c) issues of the possession, utilisation and management of land and of subsurface, water and other natural resources;
- d) demarcation of State property;
- e) use of natural resources, agriculture, protection of the environment and provisions for ecological safety; specially protected natural territories, protection of historical and cultural monuments;
- f) general issues of upbringing, education, science, culture, physical education and sport, youth policy;
- g) coordination of healthcare issues, including ensuring provisions of accessible and quality medical care, preserving and strengthening public health, creation of conditions for healthy living, developing the culture of responsible attitude of citizens to their health; social protection, including social security;
- g¹) protection of the family, maternity, fatherhood and childhood; protection of marriage as a union of a male and a female; creation of conditions for decent upbringing of children in a family, and for fulfilling by children of legal age of their obligation to take care of parents;
- h) carrying out measures against catastrophes, natural disasters, epidemics and rectification of their consequences;
- i) establishment of common principles of taxation and levies in the Russian Federation;
- j) administrative, administrative-procedural, labour, family, housing, land, water and forest legislation; legislation on subsurface resources and on environmental protection;
- k) personnel of judicial and law enforcement bodies; lawyers, notaries;
- l) protection of the traditional habitat and the traditional way of life of small ethnic communities;
- m) establishment of general principles of the organisation of the system of State government and local self-government bodies;
- n) coordination of international and foreign economic relations of constituent entities of the Russian Federation, observance of international agreements of the Russian Federation.

2. The provisions of this Article shall be equally valid for republics, krays, oblasts, cities of federal significance, autonomous oblast and autonomous okrugs.

Article 73

Outside the limits of authority of the Russian Federation and the powers of the Russian Federation on issues under the joint jurisdiction of the Russian Federation and constituent entities of the Russian Federation, the constituent entities of the Russian Federation shall enjoy full State power.

Article 74

1. In the territory of the Russian Federation it shall not be permitted to establish custom borders, duties, levies or any other barriers to the free flow of goods, services and financial resources.

2. Restrictions on the movement of goods and services may be introduced in accordance with federal law only to ensure security, to protect the life and health of people and to preserve nature and cultural values.

Article 75

1. The monetary unit in the Russian Federation shall be the rouble. Money emission shall be carried out exclusively by the Central Bank of the Russian Federation. The introduction and emission of other currencies in Russia shall not be permitted.

2. Protecting and ensuring the stability of the rouble shall be the principal function of the Central Bank of the Russian Federation, which it shall fulfil independently of other State governmental bodies.

3. The system of taxes paid to the federal budget and the general principles of taxation and levies in the Russian Federation shall be determined by federal law.

4. State loans shall be issued in accordance with the procedure specified by federal law and shall be floated on a voluntary basis.

5. The Russian Federation respects the labour of citizens and ensures protection of their rights. The state guarantees minimal wage in the amount of no less than subsistence rate for able-bodied general population throughout the Russian Federation.

6. In the Russian Federation the system for pension provisions to citizens shall be developed on the basis of principles of generality, fairness and solidarity of generations, its effective functioning shall be supported, and the pensions indexation shall be performed no less than once a year in the order established by federal law.

7. In the Russian Federation in accordance with the federal law obligatory social insurance, targeted social support of citizens and indexation of social allowance and other social payments shall be guaranteed.

Article 75¹

In the Russian Federation conditions shall be created for sustainable development of the economic growth of the country and increase of prosperity of citizens, for mutual trust between the state and the citizens; protection of citizens' dignity and respect for a working man shall be guaranteed; balance between rights and obligations of citizen, social partnership, economic, political and social solidarity shall

be ensured.

Article 76

1. On issues under the jurisdiction of the Russian Federation, federal constitutional laws and federal laws shall be adopted. These shall have direct force on the entire territory of the Russian Federation.

2. On issues under the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation, in addition to federal laws, laws and other normative legal acts of constituent entities of the Russian Federation shall be issued which are adopted in accordance with those federal laws.

3. Federal laws may not conflict with federal constitutional laws.

4. Outside the limits of authority of the Russian Federation and of the joint jurisdiction of the Russian Federation and constituent entities of the Russian Federation republics, krais, oblasts, cities of federal significance, autonomous oblast and autonomous okrugs shall exercise their own legal regulation, including the adoption of laws and other normative legal acts.

5. Laws and other normative legal acts of the constituent entities of the Russian Federation shall not conflict with federal laws which are adopted in accordance with parts one and two of this Article. In the event of a conflict between a federal law and any other act issued in the Russian Federation, the federal law shall prevail.

6. In the event of a conflict between a federal law and a normative legal act of a constituent entity of the Russian Federation issued in accordance with part four of this Article, the normative legal act of the constituent entity of the Russian Federation shall prevail.

Article 77

1. The system of State government bodies of republics, krais, oblasts, cities of federal significance, autonomous oblast and autonomous okrugs shall be established by the constituent entities of the Russian Federation independently in accordance with the basic principles of the constitutional order of the Russian Federation and the general principles of the organisation of representative and executive State government bodies which are established by federal law.

2. Within the limits of the jurisdiction and powers of the Russian Federation on issues under the joint jurisdiction of the Russian Federation and the constituent entities of the Russian Federation federal executive government bodies and executive government bodies of the constituent entities of the Russian Federation shall form a unified system of executive authority in the Russian Federation.

3. The highest office of the constituent entity of the Russian Federation (post of the highest executive state authority in a constituent entity of the Russian Federation) can be held by the citizen of the Russian Federation who is of the age of thirty at least, lives permanently in the Russian Federation, has no foreign citizenship, residence permit or another document certifying the right of the citizen of the Russian Federation to have residence in the territory of a foreign state. The person holding the highest office of the constituent entity of the Russian Federation (head of the highest executive state authority in a constituent entity of the Russian Federation) in order established by the federal law shall be forbidden from opening and having bank accounts (deposits), keeping cash assets and valuables in foreign banks situated outside the territory of the Russian Federation. The federal law can establish additional requirements for the person holding the highest office of the constituent entity of the Russian Federation (head of the highest executive state authority in a constituent entity of the Russian Federation).

Article 78

1. Federal executive government bodies may, in order to exercise their powers, establish their own territorial bodies and appoint appropriate officials.

2. Federal executive government bodies, by agreement with executive government bodies of constituent entities of the Russian Federation, may delegate some of their powers to the latter provided that this does not conflict with the Constitution of the Russian Federation and federal laws.

3. Executive government bodies of constituent entities of the Russian Federation, by agreement with federal executive government bodies, may delegate some of their powers to the latter.

4. The President of the Russian Federation and the Government of the Russian Federation shall provide for the implementation of the powers of federal State power on the entire territory of the Russian Federation in accordance with the Constitution of the Russian Federation.

5. The post of head of the federal state authority can be held by a citizen of the Russian Federation who is of the age of thirty at least, has no foreign citizenship, residence permit or another document certifying the right of the citizen of the Russian Federation to have residence in the territory of a foreign state. The person holding the post of head of the federal state authority in order established by the federal law shall be forbidden from opening and having bank accounts (deposits), keeping cash assets and valuables in foreign banks situated outside the territory of the Russian Federation.

Article 79

The Russian Federation may participate in interstate associations and transfer some of its powers to those associations in accordance with international treaties of

the Russian Federation provided that this does not entail restrictions on human and civil rights and freedoms and does not conflict with the basic principles of the constitutional order of the Russian Federation. Decisions of international bodies, taken on the basis of provisions of international treaties of the Russian Federation in their interpretation that contradicts the Constitution of the Russian Federation shall not be executed in the Russian Federation.

Article 79¹

The Russian Federation takes measures to preserve and strengthen international peace and security, to ensure peaceful coexistence of the states and peoples, to prevent intervention into internal affairs of a State.

CHAPTER 4 THE PRESIDENT OF THE RUSSIAN FEDERATION

Article 80

1. The President of the Russian Federation shall be the Head of State.

2. The President of the Russian Federation shall be the guarantor of the Constitution of the Russian Federation and of human and civil rights and freedoms. In accordance with the procedure established by the Constitution of the Russian Federation, he (she) shall adopt measures to protect the sovereignty of the Russian Federation, its independence and State integrity, shall support civil peace and conciliation in the country, and shall ensure the coordinated functioning and interaction of bodies forming the unified system of public authority.

3. The President of the Russian Federation shall, in accordance with the Constitution of the Russian Federation and federal laws, determine the basic objectives of the internal and foreign policy of the State.

4. The President of the Russian Federation, as the Head of State, shall represent the Russian Federation within the country and in international relations.

Article 81

1. The President of the Russian Federation shall be elected for six years by citizens of the Russian Federation on the basis of universal, equal, direct suffrage by secret ballot.

2. Any citizen of the Russian Federation not younger than 35 years of age who has resided in the Russian Federation on a permanent basis for not less than 25 years, who does not have and never had foreign citizenship, residence permit or another document certifying the right of the citizen of the Russian Federation to have residence in the territory of a foreign state may be elected President of the Russian Federation. The requirement for the candidate for election as the President of the Russian Federation to have no and have had no citizenship of a foreign state shall not

apply to citizens of the Russian Federation who previously had had a citizenship of a foreign state that was fully or partially accepted into the Russian Federation in accordance with the federal constitutional law and have had permanently lived in the foreign state accepted into the Russian Federation or in the territory of the part of foreign state accepted into the Russian Federation. The President of the Russian Federation in order established by the federal law shall be forbidden from opening and having bank accounts (deposits), keeping cash assets and valuables in foreign banks situated outside the territory of the Russian Federation.

3. One and the same person cannot hold the office of the President of the Russian Federation for more than two terms.

3¹ The provision of the section 3 of article 81 of the Constitution of the Russian Federation limiting the number of terms for which the same person cannot hold the office of the President of the Russian Federation, is applied to the person having held or holding the post of the President of the Russian Federation without taking into account the number of terms the he (she) had held or is holding this post by the time of coming into force of the amendment to the Constitution of the Russian Federation introducing the relevant limitation, and does not exclude for him (her) the possibility to hold the post of the President of the Russian Federation: during the terms allowed by this provision.

4. The procedure for elections of the President of the Russian Federation shall be determined by federal law.

Article 82

1. On assuming office the President of the Russian Federation shall take the following oath of loyalty to the people:

"I swear that in exercising the powers of the President of the Russian Federation I shall respect and protect human and civil rights and freedoms, observe and protect the Constitution of the Russian Federation, protect the sovereignty and independence, security and integrity of the State, and faithfully serve the people"

2. The oath shall be taken in a solemn ceremony in the presence of senators of the Russian Federation, deputies of the State Duma and judges of the Constitutional Court of the Russian Federation.

Article 83

The President of the Russian Federation:

a) shall appoint the Chairman of the Government of the Russian Federation whose candidature was approved by the State Duma upon nomination by the President of the Russian Federation, and shall relieve the Chairman of the Government of the

Russian Federation from his post;

b) shall conduct overall direction over the Government of the Russian Federation, shall have the right to chair meetings of the Government of the Russian Federation

b¹) shall approve upon proposition submitted by the Chairman of the Government of the Russian Federation the structure of the federal executive authorities, shall introduce amendments thereto; within the structure of federal executive authorities defines the bodies the work of which is managed by the President of the Russian Federation and the bodies the work of which is managed by the Government of the Russian Federation. If a Chairman of the Government relieved of his post by the President of the Russian Federation, the newly appointed Chairman of the Government of the Russian Federation shall not submit to the President of the Russian Federation the proposition as regards the structure of the federal executive authorities;

c) shall adopt decision on the resignation of the Government of the Russian Federation;

c¹) shall accept the resignation of the Chairman of the Government of the Russian Federation, deputy chairmen of the Government of the Russian Federation, federal ministers and heads of the federal executive government bodies the work of which is managed by the President of the Russian Federation;

d) shall nominate to the State Duma a candidate for appointment to the post of Chairman of the Central Bank of the Russian Federation; shall raise before the State Duma the issue of relieving the Chairman of the Central Bank of the Russian Federation of his post;

e) shall appoint deputy chairmen of the Government of the Russian Federation and federal ministers whose nominations were approved by the State Duma (except for the federal ministers mentioned in item e¹ of the present Article) and relieve them of their posts;

e¹) shall appoint upon consultations with the Council of Federation and relieve of their posts the heads of the federal executive government authorities (including federal ministers) in charge of issues of defence, state security, internal affairs, justice, foreign affairs, prevention of emergencies and elimination of consequences of natural disasters, domestic security;

f) shall present to the Council of Federation candidates for the posts of the Chairman of the Constitutional Court of the Russian Federation, Deputy Chairman of the Constitutional Court of the Russian Federation and the judges of the Constitutional Court of the Russian Federation, the Chief Justice of the Supreme Court of the Russian Federation, deputy chief justices of the Supreme Court of the

Russian Federation and judges of the Supreme Court of the Russian Federation; shall appoint presidents, vice-presidents and judges of other federal courts;

f¹) shall appoint upon consultations with the Council of Federation and relieve of their posts the Prosecutor General of the Russian Federation, deputies of the Prosecutor General of the Russian Federation, prosecutors of the constituent entities of the Russian Federation, prosecutors of military and other specialised prosecution offices equated to prosecutors of the constituent entities of the Russian Federation; appoints and relieves of their posts other prosecutors for which such an order of appointment and relieving of post is established by federal law;

f²) shall appoint and relieve of their posts the representatives of the Russian Federation in the Council of Federation;

f³) shall bring to the Council of Federation the proposition to terminate in accordance with the federal constitutional law the powers of the Chairman of the Constitutional Court of the Russian Federation, the Deputy Chairman of the Constitutional Court of the Russian Federation and the judges of the Constitutional Court of the Russian Federation, the Chief Justice of the Supreme Court of the Russian Federation, deputy chief justices of the Supreme Court of the Russian Federation and judges of the Supreme Court of the Russian Federation, presidents, vice-presidents and judges of the cassation and appeal courts in the event of them committing a violation tarnishing the honour and dignity of judge, as well as in other situations established by federal constitutional law demonstrating impossibility for a judge to continue discharging of its powers;

f⁴) shall present to the Council of Federation the nominees for appointment as Chairman of the Accounts Chamber and half of the auditors of the Accounts Chamber; shall present to the State Duma the nominees for appointment as deputy Chairman of the Accounts Chamber and half of the auditors of the Accounts Chamber;

f⁵) shall form the State Council of the Russian Federation in order to ensure concordant functioning and cooperation of the bodies of public authority, determination of basic objectives of internal and external policies of the Russian Federation and priority directions of social economic development of the state; the status of the National Council of the Russian Federation shall be determined by federal law;

g) shall form the Security Council of the Russian Federation with the aim to assist the head of state in realisation of his (her) powers on the issues of ensuring national interests and security of person, society and state, as well as ensuring civil peace and accord, protection of the sovereignty of the Russian Federation, its independence and state integrity, prevention of internal and external threats; shall head the Security Council of the Russian Federation. The status of the Security Council of the Russian Federation shall be determined by federal law;

- h) shall approve the military doctrine of the Russian Federation
- i) in order to realise his (her) powers shall form the Administration of the President of the Russian Federation;
- j) shall appoint and dismiss plenipotentiary representatives of the President of the Russian Federation;
- k) shall appoint and dismiss supreme commanders of the Armed Forces of the Russian Federation;
- l) shall appoint and recall after consultations with appropriate committees or commissions of the chambers of the Federal Assembly diplomatic representatives of the Russian Federation in foreign States and international organisations.

Article 84

The President of the Russian Federation:

- a) shall announce elections to the State Duma in accordance with the Constitution of the Russian Federation and federal law;
- b) shall dissolve the State Duma in the cases and in accordance with the procedure provided for by the Constitution of the Russian Federation;
- c) shall announce referendums in accordance with the procedure established by federal constitutional law;
- d) shall submit draft laws to the State Duma;
- e) shall sign and promulgate federal laws;
- f) shall address the Federal Assembly with annual messages on the situation in the country and on the basic objectives of the internal and foreign policy of the State.

Article 85

1. The President of the Russian Federation may use conciliatory procedures to resolve disputes between State government bodies of the Russian Federation and State government bodies of constituent entities of the Russian Federation, and disputes between State government bodies of constituent entities of the Russian Federation. In the event that no agreed decision is reached, he (she) shall have the right to refer the dispute to the appropriate court.

2. The President of the Russian Federation shall have the right to suspend acts

of executive government bodies of constituent entities of the Russian Federation in the event that these acts conflict with the Constitution of the Russian Federation and federal laws or with international commitments of the Russian Federation, or violate human and civil rights and freedoms until the issue is resolved by an appropriate court.

Article 86

The President of the Russian Federation:

- a) shall direct the foreign policy of the Russian Federation;
- b) shall hold negotiations and sign international treaties of the Russian Federation;
- c) shall sign ratification instruments;
- d) shall receive letters of credence and letters of recall of diplomatic representatives accredited to his (her) office.

Article 87

1. The President of the Russian Federation shall be the Supreme Commander-in-Chief of the Armed Forces of the Russian Federation.
2. In the event of aggression against the Russian Federation or of a direct threat of aggression, the President of the Russian Federation shall introduce martial law on the territory of the Russian Federation or on certain parts thereof and shall immediately inform the Council of Federation and the State Duma of this.
3. The regime of martial law shall be defined by federal constitutional law.

Article 88

The President of the Russian Federation, in the circumstances and in accordance with the procedure envisaged by federal constitutional law, shall introduce a state of emergency on the territory of the Russian Federation or on certain parts thereof and shall immediately inform the Council of Federation and the State Duma of this.

Article 89

The President of the Russian Federation:

- a) shall decide on issues of citizenship of the Russian Federation and of granting political asylum;

- b) shall bestow State awards of the Russian Federation and confer honorary titles of the Russian Federation and supreme military and supreme special titles;
- c) shall grant pardon.

Article 90

1. The President of the Russian Federation shall issue edicts and regulations.
2. The edicts and regulations of the President of the Russian Federation shall be binding on the entire territory of the Russian Federation.
3. Edicts and regulations of the President of the Russian Federation must not conflict with the Constitution of the Russian Federation and federal laws.

Article 91

The President of the Russian Federation shall have immunity.

Article 92

1. The President of the Russian Federation shall begin to exercise his (her) powers from the moment of taking the oath and shall cease to do so when his (her) term of office expires and after a newly-elected the President of the Russian Federation has been sworn in.
2. The President of the Russian Federation shall cease to exercise his (her) powers before the end of his (her) term in the event of his (her) resignation, persistent inability for health reasons to carry out the powers invested in him (her), or impeachment. Presidential elections shall be held before the expiration of three months from the date of the early termination of presidential office.
3. In all cases where the President of the Russian Federation is unable to fulfil his (her) duties, they shall be temporarily delegated to the Chairman of the Government of the Russian Federation. The Acting President of the Russian Federation shall not have the right to dissolve the State Duma, call a referendum or to submit proposals for amendments to and the revision of the provisions of the Constitution of the Russian Federation.

Article 92¹

1. The President of the Russian Federation who has ceased to exercise his (her) powers upon expiration of his (her) term of office or before the end of his (her) term due to his (her) resignation or persistent inability for health reasons to carry out the powers invested in him (her), shall have immunity.
2. Other guarantees for the President of the Russian Federation who has

ceased to exercise his (her) powers upon expiration of his (her) term of office or before the end of his (her) term due to his (her) resignation or persistent inability for health reasons to carry out the powers invested in him (her) shall be established by federal law.

3. Immunity of the President of the Russian Federation who has ceased to exercise his (her) powers may be removed under the procedure foreseen in Article 93 of the Constitution of the Russian Federation.

Article 93

1. The President of the Russian Federation may be impeached and the immunity of the President of the Russian Federation who has ceased to exercise his (her) powers may be removed by the Council of Federation only on the basis of charges of high treason or of another grave crime brought by the State Duma and confirmed by a resolution of the Supreme Court of the Russian Federation on the existence of indications of a crime in the actions of the President of the Russian Federation, both acting and who has ceased to exercise his (her) powers, and by a resolution of the Constitutional Court of the Russian Federation confirming that the established procedure for bringing charges has been observed.

2. The decision of the State Duma to bring charges and the decision of the Council of Federation to impeach the President or to remove immunity of the President of the Russian Federation who has ceased to exercise his (her) powers, must be adopted by two-thirds of votes of the total number of senators of the Russian Federation and deputies of the State Duma respectively, on the initiative of not less than one third of deputies of the State Duma and on the basis of a resolution of a special commission set up by the State Duma.

3. The decision of the Council of Federation to impeach the President of the Russian Federation or to remove immunity of the President of the Russian Federation who has ceased to exercise his (her) powers must be adopted not later than three months after the State Duma brings charges against the President of the Russian Federation. If a decision of the Council of Federation is not adopted within this time the charges against the President or the President of the Russian Federation who has ceased to exercise his (her) powers shall be regarded as having been declined.

CHAPTER 5 THE FEDERAL ASSEMBLY

Article 94

The Federal Assembly — parliament of the Russian Federation shall be the representative and legislative body of the Russian Federation.

Article 95

1. The Federal Assembly shall consist of two chambers – the Council of

Federation and the State Duma.

2. The Council of Federation shall consist of senators of the Russian Federation.

The Council of Federation shall include:

a) two representatives from each constituent entity of the Russian Federation – one from the legislative (representative) and one from the executive State government body - for the term of office of the relevant body;

b) the President of the Russian Federation who has ceased to exercise his (her) powers upon expiration of his (her) term of office or before the end of his (her) term due to his (her) resignation - for life; the President of the Russian Federation who has ceased to exercise his (her) powers upon expiration of his (her) term of office or before the end of his (her) term due to his (her) resignation shall be entitled to forgo the powers of the senator of the Russian Federation;

c) no more than 30 representatives of the Russian Federation appointed by the President of the Russian Federation, no more than seven of which may be appointed for life.

3. The number of the senators of the Russian Federation is defined on the basis of the number of the representatives of the constituent entities of the Russian Federation enumerated in Article 65 of the Constitution of the Russian Federation and the number of persons performing the powers of the senators of the Russian Federation enumerated in items “b” and “c” of section 2 of the present Article.

4. The post of the senator of the Russian Federation can be held by a citizen of the Russian Federation not younger than 30 years of age who permanently resides in the Russian Federation and has no foreign citizenship, residence permit or another document certifying the right of the citizen of the Russian Federation to have residence in the territory of a foreign state. The senators of the Russian Federation in order established by the federal law shall be forbidden from opening and having bank accounts (deposits), keeping cash assets and valuables in foreign banks situated outside the territory of the Russian Federation.

5. Citizens who have done prominent services to the country in the spheres of state or public activities can be appointed representatives of the Russian Federation at the Council of Federation performing the powers of the senators of the Russian Federation for life.

6. The representatives of the Russian Federation, excluding the representatives of the Russian Federation performing the powers of the senators of the Russian Federation for life, shall be appointed for the term of six years.

7. The State Duma shall consist of 450 deputies.

Article 96

1. The State Duma shall be elected for a term of five years.
2. The procedure for forming the Council of Federation and the procedure for electing deputies to the State Duma shall be established by federal laws.

Article 97

1. Any citizen of the Russian Federation not younger than 21 years of age, who has a right to participate in elections, permanently resides in the Russian Federation, does not have foreign citizenship, residence permit or another document certifying the right of the citizen of the Russian Federation to have residence in the territory of a foreign state may be elected deputy of the State Duma. The deputies of the State Duma in order established by the federal law shall be forbidden from opening and having bank accounts (deposits), keeping cash assets and valuables in foreign banks situated outside the territory of the Russian Federation.
2. One and the same person may not be simultaneously a senator of the Russian Federation and a deputy of the State Duma. A deputy of the State Duma may not be a deputy of other representative State government bodies and local self-government bodies.
3. Deputies of the State Duma shall work on a professional permanent basis. Deputies of the State Duma may not be employed in State service or engage in other paid activities, except for teaching and scientific and other creative work.

Article 98

1. Senators of the Russian Federation and deputies of the State Duma shall enjoy immunity during the whole term of their office. They may not be detained, arrested or searched, except in the event of detention at the scene of a crime, they may not be subjected to personal searches, except in instances where this is provided for by federal law in order to ensure the safety of other people.
2. The issue of the removal of immunity shall be resolved by an appropriate chamber of the Federal Assembly upon submission of the Prosecutor General of the Russian Federation.

Article 99

1. The Federal Assembly shall be a permanently functioning body.
2. The State Duma shall convene its first session on the thirtieth day after election. The President of the Russian Federation may convene a session of the State

Duma earlier than this date.

3. The first session of the State Duma shall be opened by the oldest deputy.
4. From the moment that the State Duma of a new convocation begins to work the powers of the State Duma of the previous convocation shall expire.

Article 100

1. The Council of Federation and the State Duma shall hold separate sessions.
2. Sessions of the Council of Federation and of the State Duma shall be open. In the cases envisaged by the procedural regulations of a chamber, the latter shall have the right to hold closed-door sessions.
3. The chambers may hold joint sessions to hear messages of the President of the Russian Federation.

Article 101

1. The Council of Federation shall elect from among its members the Chairman of the Council of Federation and his (her) deputies. The State Duma shall elect from among its members the Chairman of the State Duma and his (her) deputies.
2. The Chairman of the Council of Federation and his (her) deputies and the Chairman of the State Duma and his (her) deputies shall chair sessions and shall be in charge of the internal routine of the chamber.
3. The Council of Federation and the State Duma shall set up committees and commissions and shall hold parliamentary hearings on issues under their authority.
4. Each of the chambers shall adopt its procedural regulations and resolve issues relating to the routine procedures for its activities.
5. To monitor implementation of the federal budget the Council of Federation and the State Duma shall set up the Accounts Chamber, whose composition and work procedures shall be determined by federal law.

Article 102

1. The following shall be within the jurisdiction of the Council of Federation:
 - a) approval of border changes between constituent entities of the Russian Federation;
 - b) approval of edict of the President of the Russian Federation on the

introduction of martial law;

c) approval of edict of the President of the Russian Federation on the introduction of a state of emergency;

d) deciding on the possibility of using the Armed Forces of the Russian Federation outside the territory of the Russian Federation;

e) announcement of elections of the President of the Russian Federation;

f) impeachment of the President of the Russian Federation; removal of immunity of the President of the Russian Federation who has ceased to exercise his (her) powers;

g) appointment upon presentation of the Russian Federation of the Chairman of the Constitutional Court of the Russian Federation, Deputy Chairman of the Constitutional Court of the Russian Federation and the judges of the Constitutional Court of the Russian Federation, the Chief Justice of the Supreme Court of the Russian Federation, deputy chief justices of the Supreme Court of the Russian Federation and judges of the Supreme Court of the Russian Federation vice-presidents and judges of other federal courts;

h) holding consultations on the candidates presented by the President of the Russian Federation for appointment as the Prosecutor General of the Russian Federation, deputies of the Prosecutor General of the Russian Federation, prosecutors of the constituent entities of the Russian Federation, prosecutors of military and other specialised prosecution offices equated to prosecutors of the constituent entities of the Russian Federation;

i) appointment, upon presentation of the President of the Russian Federation, the Chairman of the Accounts Chamber and half of the general number of the auditors of the Accounts Chamber and relieving them from their duties;

j) holding consultations on the candidates presented by the President of the Russian Federation for appointment as the heads of the federal executive government authorities (including federal ministers) in charge of issues of defence, state security, internal affairs, justice, foreign affairs, prevention of emergencies and elimination of consequences of natural disasters, domestic security;

k) termination upon proposition of the President of the Russian Federation in accordance with the federal constitutional law of powers of the Chairman of the Constitutional Court of the Russian Federation, the Deputy Chairman of the Constitutional Court of the Russian Federation and the judges of the Constitutional Court of the Russian Federation, the Chief Justice of the Supreme Court of the Russian Federation, vice-presidents of the Supreme Court of the Russian Federation and judges of the Supreme Court of the Russian Federation, presidents, vice-

presidents and judges of the cassation and appeal courts in the event of them committing a violation tarnishing the honour and dignity of judge, as well as in other situations established by federal constitutional law demonstrating impossibility for a judge to continue discharging of his (her) powers;

1) hearing of the annual reports of the Prosecutor General of the Russian Federation on the state of law and order in the Russian Federation.

2. The Council of Federation shall adopt decrees on issues referred to its authority by the Constitution of the Russian Federation.

3. Decrees of the Council of Federation shall be adopted by a majority of the total number of senators of the Russian Federation unless another procedure for adopting decisions is envisaged by the Constitution of the Russian Federation.

Article 103

1. The following shall be within the jurisdiction of the State Duma:

a) approval upon presentation of the President of the Russian Federation of candidate for the post of Chairman of the Government of the Russian Federation;

a¹) approval upon presentation of the Chairman of the Government of the Russian Federation of candidates for the posts of deputy chairmen of the Government of the Russian Federation and federal ministers excluding those enumerated in item “e¹” of Article 83 of the Constitution of the Russian Federation;

b) deciding the issue of confidence in the Government of the Russian Federation;

c) hearing to the annual reports of the Government of the Russian Federation on results of its activity, including the points raised by the State Duma;

d) appointment and dismissal of the Chairman of the Central Bank of the Russian Federation;

d¹) hearing of the annual reports of the Central Bank of the Russian Federation;

e) appointment upon presentation of the President of the Russian Federation the deputy Chairman of the Accounts Chamber and half of the of the auditors of the Accounts Chamber and relieving them from their duties;

f) appointment and dismissal of the Commissioner for Human Rights, who shall act according to federal constitutional law. The post of the Commissioner for Human Rights can be held by a citizen of the Russian Federation who permanently resides in the Russian Federation and has no foreign citizenship, residence permit or

another document certifying the right of the citizen of the Russian Federation to have residence in the territory of a foreign state. The Commissioner for Human Rights in order established by the federal law shall be forbidden from opening and having bank accounts (deposits), keeping cash assets and valuables in foreign banks situated outside the territory of the Russian Federation;

g) announcement of amnesty;

h) bringing charges against the President of the Russian Federation for his (her) impeachment or against the President of the Russian Federation who has ceased to exercise his (her) powers with the aim to remove his (her) immunity;

2. The State Duma shall adopt decrees on issues referred to its authority by the Constitution of the Russian Federation.

3. Decrees of the State Duma shall be adopted by a majority of the total number of deputies of the State Duma, unless another procedure for adopting decisions is envisaged by the Constitution of the Russian Federation.

Article 103¹

The Council of Federation and the State Duma shall have the right to conduct parliamentary supervision, including to send parliament inquiries to the heads of the state authorities and bodies of the local self-government on the issues within the competence of these authorities and officials. The order of conducting parliamentary supervision is defined by federal laws and procedural regulations of the chambers of the Federal Assembly.

Article 104

1. The right of legislative initiative shall belong to the President of the Russian Federation, the Council of Federation, senators of the Russian Federation, deputies of the State Duma, the Government of the Russian Federation, and legislative (representative) bodies of constituent entities of the Russian Federation. The right of legislative initiative shall also belong to the Constitutional Court of the Russian Federation and the Supreme Court of the Russian Federation on issues within their competence²³.

2. Bills shall be submitted to the State Duma.

3. Bills on the introduction or cancellation of taxes, on exemption from taxes, on the issue of State loans, on changes in the financial obligations of the State, and other bills envisaging expenses to be covered from the federal budget may be submitted only upon a resolution of the Government of the Russian Federation.

Article 105

1. Federal laws shall be adopted by the State Duma.
2. Federal laws shall be adopted by a majority of votes of the total number of deputies of the State Duma, unless otherwise envisaged by the Constitution of the Russian Federation.
3. Federal laws adopted by the State Duma shall be submitted within five days for examination by the Council of Federation.
4. A federal law shall be considered to have been approved by the Council of Federation if over a half of the total number of members of that chamber has voted for it or if the Council of Federation does not examine it within fourteen days. In the event that the Council of Federation rejects a federal law, the chambers may set up a conciliatory commission to settle differences, after which the federal law shall be reconsidered by the State Duma.
5. In the event that the State Duma disagrees with the decision of the Council of Federation a federal law shall be considered to have been adopted if in the second vote not less than two thirds of the total number of deputies of the State Duma has voted in favour of it.

Article 106

Federal laws adopted by the State Duma on the following issues must compulsorily be examined by the Council of Federation:

- a) the federal budget;
- b) federal taxes and levies;
- c) financial, currency, credit and customs regulation, money emission;
- d) ratification and denunciation of international treaties of the Russian Federation;
- e) the status and protection of the State border of the Russian Federation;
- f) war and peace.

Article 107

1. An adopted federal law shall be submitted within five days to the President of the Russian Federation for signing and promulgation.
2. The President of the Russian Federation shall sign the federal law and promulgate it within fourteen days.

3. If the President of the Russian Federation rejects a federal law within fourteen days of receiving it, the State Duma and the Council of Federation shall reconsider that law in accordance with the procedure established by the Constitution of the Russian Federation. If upon reconsideration the law is approved in the previously adopted wording by a majority of not less than two thirds of the total number of senators of the Russian Federation and of deputies of the State Duma, it must be signed by the President within seven days and promulgated. If within the above term the President of the Russian Federation lodges a request with the Constitutional Court of the Russian Federation to verify constitutionality of the federal law, the term for signing this law shall be suspended for the duration of consideration of the request by the Constitutional Court of the Russian Federation. If the Constitutional Court of the Russian Federation confirms constitutionality of the federal law, the President of the Russian Federation shall sign it within three days term from delivery of the relevant decision by the Constitutional Court of the Russian Federation. If the Constitutional Court of the Russian Federation does not confirm constitutionality of the federal law, the President of the Russian Federation shall return it to the State Duma without signing.

Article 108

1. Federal constitutional laws shall be adopted on issues envisaged by the Constitution of the Russian Federation.

2. A federal constitutional law shall be considered to have been adopted if it is approved by a majority of not less than three quarters of the total number of senators of the Russian Federation and not less than two-thirds of the total number of deputies of the State Duma. An adopted federal constitutional law shall be signed by the President of the Russian Federation and promulgated within fourteen days. If within the above term the President of the Russian Federation lodges a request with the Constitutional Court of the Russian Federation to verify constitutionality of the federal constitutional law, the term for signing this law shall be suspended for the duration of consideration of the request by the Constitutional Court of the Russian Federation. If the Constitutional Court of the Russian Federation confirms constitutionality of the federal constitutional law, the President of the Russian Federation shall sign it within three days term from delivery of the relevant decision by the Constitutional Court of the Russian Federation. If the Constitutional Court of the Russian Federation does not confirm constitutionality of the federal constitutional law, the President of the Russian Federation shall return it to the State Duma without signing.

Article 109

1. The State Duma may be dissolved by the President of the Russian Federation in the cases envisaged by Articles 111 and 117 of the Constitution of the Russian Federation.

2. In the event that the State Duma is dissolved, the President of the Russian

Federation shall announce the date of elections so that a newly-elected State Duma may be convened not later than four months after the dissolution.

3. The State Duma may not be dissolved on the grounds envisaged in Article 117 of the Constitution of the Russian Federation during the year following its election.

4. The State Duma may not be dissolved from the moment that it brings charges against the President of the Russian Federation until the Council of Federation adopts a decision on the issue.

5. The State Duma may not be dissolved while a state of emergency or martial law is in effect on the whole territory of the Russian Federation, or during the last six months of the term of office of the President of the Russian Federation.

CHAPTER 6 THE GOVERNMENT OF THE RUSSIAN FEDERATION

Article 110

1. Executive power in the Russian Federation shall be exercised by the Government of the Russian Federation under overall direction of the President of the Russian Federation.

2. The Government of the Russian Federation shall consist of the Chairman of the Government of the Russian Federation, deputy chairmen of the Government of the Russian Federation and federal ministers.

3. The Government of the Russian Federation leads the work of federal executive government except for those federal executive government bodies work of which is directed by the President of the Russian Federation.

4. The posts of Chairman of the Government of the Russian Federation, Deputy Chairman of the Government of the Russian Federation, federal minister, another head of federal executive state body can be held by a citizen of the Russian Federation who is of the age of thirty at least, has no foreign citizenship, residence permit or another document certifying the right of the citizen of the Russian Federation to have residence in the territory of a foreign state. The Chairman of the Government of the Russian Federation, deputy chairmen of the Government of the Russian Federation, federal ministers, other heads of federal executive government state bodies in order established by the federal law shall be forbidden from opening and having bank accounts (deposits), keeping cash assets and valuables in foreign banks situated outside the territory of the Russian Federation.

Article 111

1. The Chairman of the Government of the Russian Federation shall be

appointed by the President of the Russian Federation after approval of his (her) nomination by the State Duma.

2. Nomination for the Chairman of the Government of the Russian Federation shall be submitted to the State Duma by the President of the Russian Federation not later than two weeks after a newly-elected President of the Russian Federation assumes office or after the resignation of the Government of the Russian Federation or within one week after the State Duma has rejected a nomination for the Chairman of the Government of the Russian Federation, or after the President has relieved him (her) of his (her) post, or his (her) resignation.

3. The State Duma shall consider the candidate nominated by the President of the Russian Federation for the post of Chairman of the Government of the Russian Federation within one week after the submission of the nomination.

4. In the event that the State Duma rejects the candidates for the post of Chairman of the Government of the Russian Federation three times, the President of the Russian Federation shall appoint the Chairman of the Government of the Russian Federation. In such event the President of the Russian Federation shall have the right to dissolve the State Duma and announce new elections.

Article 112

1. The Chairman of the Government of the Russian Federation not later than one week after his (her) appointment shall present to the President of the Russian Federation propositions on the structure of federal executive government bodies, except for the event when the previous Chairman of the Government of the Russian Federation had been relieved of his (her) post by the President of the Russian Federation.

2. The Chairman of the Government of the Russian Federation shall present to the State Duma for approval nominations for deputy chairmen of the Government of the Russian Federation and federal ministers (except for federal ministers enumerated in item e¹ of Article 83 of the Constitution of the Russian Federation). The State Duma shall decide on the presented nominations not later than within a week.

3. Deputy chairmen of the Government of the Russian Federation and federal ministers, whose nominations have been approved by the State Duma, shall be appointed by the President of the Russian Federation. The President of the Russian Federation shall not be entitled to refuse to appoint the deputy chairmen of the Government of the Russian Federation and federal ministers whose nominations have been approved by the State Duma.

4. After the State Duma three time rejects nominations for the posts of deputy chairmen of the Government of the Russian Federation, federal ministers presented in accordance with part 2 of the present Article, the President of the Russian Federation

shall have the right to appoint deputy chairmen of the Government of the Russian Federation, federal ministers from among nominations presented by the Chairman of the Government of the Russian Federation. If after the State Duma three times rejects nominations presented in accordance with part 2 of the present Article more than one-third of posts of the members of the Government of the Russian Federation (except for the posts of federal ministers enumerated in item e¹ of Article 83 of the Constitution of the Russian Federation) remain vacant, the President of the Russian Federation shall have the right to dissolve the State Duma and announce new elections.

5. In the event foreseen by part 4 of Article 111 of the Constitution of the Russian Federation, as well as in the event of dissolution of the State Duma in accordance with the Constitution of the Russian Federation, the President of the Russian Federation appoints deputy chairmen of the Government of the Russian Federation, federal ministers (except for federal ministers enumerated in item e¹ of Article 83 of the Constitution of the Russian Federation) upon presentation by the Chairman of the Government of the Russian Federation.

Article 113

The Chairman of the Government of the Russian Federation, in accordance with the Constitution of the Russian Federation, federal laws, edicts, orders and assignments of the President of the Russian Federation, shall organise the work of the Government of the Russian Federation. The Chairman of the Government of the Russian Federation bears personal responsibility for realisation of powers conferred to the Government of the Russian Federation.

Article 114

1. The Government of the Russian Federation

a) shall work out and submit to the State Duma the federal budget and ensure its implementation; shall submit to the State Duma a report on the implementation of the federal budget; shall submit to the State Duma the annual reports on results of its activity, including the points raised by the State Duma;

b) shall ensure the implementation in the Russian Federation of a uniform financial, credit and monetary policy;

c) shall ensure the implementation in the Russian Federation of a uniform socially-oriented State policy in the sphere of culture, science, education, health, social security, support, strengthening and protection of family, preserving traditional family values, and protection of environment;

c¹) shall ensure State support of scientific and technological development of the Russian Federation, preserving and developing its scientific potential;

c²) shall ensure functioning of system of social security for disabled persons based on full and equal realisation by them of human and civil rights and freedoms, their social integration without any discrimination whatsoever, creation of accessible environment for disabled persons and improving quality of their life;

d) shall carry out the administration of federal property;

e) shall carry out measures to secure the defence of the country, State security, and implementation of the foreign policy of the Russian Federation;

f) shall implement measures to ensure lawfulness and civil rights and freedoms, protect property and public order, and combat crime;

f¹) shall undertake measures to support institutions of civil society, including non-profit organisations, shall ensure their participation in devising and implementing state policy;

f²) shall undertake measures to support volunteering activities;

f³) shall contribute to development of entrepreneurial activity and private initiatives;

f⁴) shall ensure realisation of principles of social partnership in the sphere of labour and other directly connected relations;

f⁵) shall undertake measures aimed to creating favourable conditions for the life of population, reduction of negative impact of business and other activities on the environment, preservation of unique natural and biological diversity of the country, forming responsible attitude in society towards animals;

f⁶) shall create conditions for developing the system of ecological education of citizens, upbringing ecological culture;

g) shall exercise other functions, which are entrusted to it by the Constitution of the Russian Federation, federal laws and edicts of the President of the Russian Federation.

2. The procedure for the activities of the Government of the Russian Federation shall be determined by federal constitutional law.

Article 115

1. On the basis of the Constitution of the Russian Federation, federal laws, edicts, orders, assignments of the President of the Russian Federation and for the purpose of their implementation the Government of the Russian Federation shall issue decrees and regulations and ensure their implementation.

2. Decrees and regulations of the Government of the Russian Federation shall be binding in the Russian Federation.

3. In the event that decrees and regulations of the Government of the Russian Federation conflict with the Constitution of the Russian Federation, federal laws, edicts and orders of the President of the Russian Federation, they may be abolished by the President of the Russian Federation.

Article 116

The Government of the Russian Federation shall resign its powers before a newly-elected President of the Russian Federation.

Article 117

1. The Government of the Russian Federation may offer its resignation and the President of the Russian Federation shall either accept or reject it.

2. The President of the Russian Federation may decide on the resignation of the Government of the Russian Federation.

3. The State Duma may express no confidence in the Government of the Russian Federation. A resolution of no confidence in the Government shall be adopted by a majority of votes of the total number of deputies of the State Duma. After the State Duma has expressed no confidence in the Government of the Russian Federation, the President of the Russian Federation shall have the right to announce the resignation of the Government or to reject the decision of the State Duma. In the event that the State Duma expresses no confidence in the Government of the Russian Federation again within three months, the President of the Russian Federation shall announce the resignation of the Government of the Russian Federation or dissolve the State Duma and announce new elections.

4. The Chairman of the Government of the Russian Federation shall have the right to raise before the State Duma the issue of confidence in the Government of the Russian Federation, such issue shall be considered within seven days. If the State Duma returns a vote of no confidence in the Government of the Russian Federation, the President shall have the right to adopt within seven days a decision on the resignation of the Government of the Russian Federation or on the dissolution of the State Duma and the announcement of new elections. In the event that the Government of the Russian Federation raises before the State Duma the issue of confidence in the Government of the Russian Federation again within three months, and the State Duma returns a vote of no confidence in the Government of the Russian Federation, the President of the Russian Federation shall decide on the resignation of the Government of the Russian Federation or dissolve the State Duma and announce new elections.

4¹. The Chairman of the Government of the Russian Federation, Deputy

Chairman of the Government of the Russian Federation, federal minister may offer his (her) resignation and the President of the Russian Federation shall either accept or reject it.

5. In the event of the resignation or cessation of the powers of the Government of the Russian Federation, it shall continue to work on the instructions of the President of the Russian Federation until a new Government of the Russian Federation is formed. In the event of reliving of his (her) post or resignation of the Chairman of the Government of the Russian Federation, Deputy Chairman of the Government of the Russian Federation, federal minister, the President of the Russian Federation shall have the right to instruct this person to continue discharging his (her) duties according to this post, or to entrust another person with these duties until the relevant appointment.

6. The State Duma cannot express no confidence in the Government of the Russian Federation, and the Chairman of the Government of the Russian Federation cannot raise before the State Duma the issue of confidence in the Government of the Russian Federation in the events foreseen by parts 3 - 5 of Article 109 of the Constitution of the Russian Federation, and within a year after appointment of the Chairman of the Government of the Russian Federation in accordance with part 4 of Article 111 of the Constitution of the Russian Federation.

CHAPTER 7 JUDICIAL AUTHORITY AND PUBLIC PROSECUTION

Article 118

1. Justice in the Russian Federation shall be administered only by court.
2. Judicial authority shall be exercised by means of constitutional, civil, commercial, administrative and criminal proceedings.
3. The judicial system in the Russian Federation shall be established by the Constitution of the Russian Federation and federal constitutional law. The judicial system of the Russian Federation shall be comprised of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation, federal courts of general jurisdiction, commercial courts, and justices of the peace of the constituent entities of the Russian Federation. The creation of extraordinary courts shall not be permitted.

Article 119

Judges shall be citizens of the Russian Federation over 25 years of age with a higher education in law who have served in the legal profession for not less than five years, live permanently in the Russian Federation, have no foreign citizenship, residence permit or another document certifying the right of the citizen of the Russian Federation to have residence in the territory of a foreign state. The judges of the courts

of the Russian Federation in order established by the federal law shall be forbidden from opening and having bank accounts (deposits), keeping cash assets and valuables in foreign banks situated outside the territory of the Russian Federation. Federal law may establish additional requirements for judges of the courts of the Russian Federation.

Article 120

1. Judges shall be independent and shall be subordinate only to the Constitution of the Russian Federation and federal law.

2. Should a court establish when considering a case that a legal act of a State or other body conflicts with law, it shall take a decision in accordance with the law.

Article 121

1. Judges shall be irremovable.

2. The powers of a judge may be terminated or suspended only on the grounds and in accordance with the procedure established by federal law.

Article 122

1. Judges shall be inviolable.

2. A judge cannot face criminal liability otherwise than in accordance with the procedure established by federal law.

Article 123

1. The examination of cases in all courts shall be open. Cases may be heard in closed sessions in those instances where this is permitted by federal law.

2. The examination of criminal cases by default in courts shall not be permitted except in instances where this is permitted by federal law.

3. Judicial proceedings shall be conducted on the basis of controversy and the equality of the parties concerned.

4. In cases provided for by federal law, judicial proceedings shall be conducted with the participation of a jury.

Article 124

Courts shall be financed only from the federal budget and should ensure the possibility of the complete and independent administration of justice according to the requirements of federal law.

Article 125

1. The Constitutional Court of the Russian Federation is the highest judicial body of constitutional supervision in the Russian Federation, exercising judicial powers by way of administering constitutional justice with the aim to protect the basis of the constitutional system, basic human and civil rights and freedoms, ensuring supremacy and direct effect of the Constitution of the Russian Federation on the entire territory of the Russian Federation. The Constitutional Court shall consist of 11 judges, including the Chairman of the Constitutional Court of the Russian Federation and his deputy.

2. The Constitutional Court of the Russian Federation, at the request of the President of the Russian Federation, the Council of Federation, the State Duma, one fifth of senators of the Russian Federation or of the deputies of the State Duma, the Government of the Russian Federation, the Supreme Court of the Russian Federation, and bodies of legislative and executive power of constituent entities of the Russian Federation, shall decide cases on conformity to the Constitution of the Russian Federation of:

a) federal constitutional laws, federal laws, normative acts of the President of the Russian Federation, the Council of Federation, the State Duma, the Government of the Russian Federation;

b) constitutions of republics, charters as well as laws and other normative acts of constituent entities of the Russian Federation adopted on issues under the jurisdiction of bodies of State power of the Russian Federation and under the joint jurisdiction of bodies of State power of the Russian Federation and bodies of State power of constituent entities of the Russian Federation;

c) treaties between bodies of State power of the Russian Federation and bodies of State power of constituent entities of the Russian Federation, treaties between bodies of State power of constituent entities of the Russian Federation;

d) international treaties of the Russian Federation pending their entry into force.

3. The Constitutional Court of the Russian Federation shall resolve disputes on authority:

a) between federal State government bodies;

b) between State government bodies of the Russian Federation and State government bodies of constituent entities of the Russian Federation;

c) between higher State government bodies of constituent entities of the Russian Federation.

4. The Constitutional Court of the Russian Federation, in the order established by the federal constitutional law, shall verify:

a) upon complaints on violation of constitutional rights and freedoms of citizens - the constitutionality of laws and other normative acts, enumerated in items “a” and “b” of part 2 of the present Article, that had been implemented in a concrete case, if all other internal judicial remedies have been exhausted;

b) upon requests of courts - the constitutionality of laws and other normative acts enumerated in items “a” and “b” of part 2 of the present Article, that are to be applied in a concrete case.

5. The Constitutional Court of the Russian Federation, upon request of the President of the Russian Federation, the Council of Federation, the State Duma, the Government of the Russian Federation, and legislative authorities of constituent entities of the Russian Federation, shall provide interpretation of the Constitution of the Russian Federation.

5¹. The Constitutional Court of the Russian Federation:

a) upon request of the President of the Russian Federation shall verify constitutionality of draft laws of the Russian Federation on amendment to the Constitution of the Russian Federation, of draft federal constitutional laws and federal laws, as well as laws adopted in the order established by parts 2 and 3 of Article 107, part 2 of Article 108 of the Constitution of the Russian Federation, before their signing by the President of the Russian Federation;

b) in the order established by the federal constitutional law shall resolve the issue of possibility to execute decisions of interstate bodies, adopted on the basis of international treaties of the Russian Federation in their interpretation contradicting the Constitution of the Russian Federation, as well as of possibility to execute decision of foreign or international (interstate) court, foreign or international mediation court (arbitrage) imposing obligations on the Russian Federation, in the event if this decision contradicts the basis of public order of the Russian Federation;

c) upon request of the President of the Russian Federation in the order established by the federal constitutional law shall verify the constitutionality of laws of a constituent entity of the Russian Federation before their promulgation by the highest official of the constituent entity of the Russian Federation (head of the highest executive state authority in a constituent entity of the Russian Federation).

6. Acts or certain provisions thereof, which are recognised as unconstitutional, shall lose force; international treaties of the Russian Federation, which do not correspond to the Constitution of the Russian Federation, shall not be implemented or used. Acts or certain provisions thereof, which are recognised as constitutional in their interpretation given by the Constitutional Court of the Russian Federation, shall not be

implemented in another interpretation.

7. The Constitutional Court of the Russian Federation, upon request of the Council of Federation, shall issue a resolution on the observation of the established procedure for bringing charges of treason or of other grave crimes against the President of the Russian Federation or the President of the Russian Federation who has ceased to exercise his (her) powers.

8. The Constitutional Court of the Russian Federation shall realise other powers established by the federal constitutional law.

Article 126

The Supreme Court of the Russian Federation is the highest judicial body resolving civil cases, commercial disputes, criminal, administrative and other cases subject to jurisdiction of courts of general jurisdiction and commercial court established in accordance with the federal constitutional law and exercising judicial powers by way of administering civil, commercial, administrative and criminal justice. The Supreme Court of the Russian Federation shall exercise judicial supervision over activity of courts of general jurisdiction and commercial courts in procedural forms provided for by federal law, and shall provide clarifications on the issues of court practice.

Article 127

Excluded in accordance with amendment to the Constitution of the Russian Federation (Law of the Russian Federation on amendment to the Constitution of the Russian Federation “On the Supreme Court of the Russian Federation and Public Prosecution of the Russian Federation”).

Article 128

1. The Chairman of the Constitutional Court of the Russian Federation, Deputy Chairman of the Constitutional Court of the Russian Federation and the judges of the Constitutional Court of the Russian Federation, the Chief Justice of the Supreme Court of the Russian Federation, deputy chief justices of the Supreme Court of the Russian Federation and judges of the Supreme Court of the Russian Federation shall be appointed by the Council of Federation upon nomination by the President of the Russian Federation.

2. Presidents, vice-presidents, judges of other federal courts shall be appointed by the President of the Russian Federation in accordance with the procedure established by federal constitutional law.

3. The powers and the procedure for the formation and activity of the Constitutional Court of the Russian Federation, the Supreme Court of the Russian Federation and other federal courts shall be established by the Constitution of the

Russian Federation and federal constitutional law. The order of administering civil, commercial, administrative and criminal justice shall be established also by the relevant procedural legislation.

Article 129

1. The public prosecution system of the Russian Federation is the unified federal centralised system of authorities conducting supervision over observance of the Constitution of the Russian Federation and implementation of laws, supervision over observance of human and civil rights and freedoms, criminal prosecution in accordance with its powers, and carrying out other functions. The powers and functions of the public prosecution of the Russian Federation its organisation and order of work shall be determined by federal law.

2. The posts of prosecutors can be held by citizens of the Russian Federation who have no foreign citizenship, residence permit or another document certifying the right of the citizen of the Russian Federation to have residence in the territory of a foreign state. The prosecutors in order established by the federal law shall be forbidden from opening and having bank accounts (deposits), keeping cash assets and valuables in foreign banks situated outside the territory of the Russian Federation.

3. The Prosecutor General of the Russian Federation and deputies of the Prosecutor General of the Russian Federation shall be appointed and dismissed upon consultations with the Council of Federation by the President of the Russian Federation.

4. Prosecutors of the constituent entities of the Russian Federation, prosecutors of military and other specialised prosecution offices equated to prosecutors of the constituent entities of the Russian Federation shall be appointed and relieved of their posts by the President of the Russian Federation after consultations with the Council of Federation.

5. Other prosecutors shall be appointed and relieved of their posts by the President of the Russian Federation if such order of appointment and relieving of posts is established by federal law.

6. Unless otherwise established by federal law, public prosecutors of cities, districts and public prosecutors equated with them shall be appointed and dismissed by the Prosecutor General of the Russian Federation.

CHAPTER 8 LOCAL SELF-GOVERNMENT

Article 130

1. Local self-government in the Russian Federation shall provide for the independent resolution by the population of issues of local importance, and the

possession, use and management of municipal property.

2. Local self-government shall be exercised by citizens by means of referendum, elections and other forms of direct expression of their will, and through elected and other bodies of local self-government.

Article 131

1. Local self-government shall be administered in municipal entities, types of which shall be established by federal law. Territories of municipal entities shall be determined with due consideration to historical and other local traditions. The structure of bodies of local self-government shall be determined by the population independently in accordance with basic principles of organisation of local self-government in the Russian Federation established by federal law.

1¹. Bodies of state power can take part in forming bodies of local self-government, appointing and relieving of their posts the officials of local-self-government in order and in cases specified by federal law.

2. Changes of borders of the territories in which local self-government is administered shall be permitted with due consideration to the opinion of the inhabitants of the relevant territories under the order established by federal law.

3. Specific properties of exercising public authority on the territories of cities of federal significance, administrative centres (capitals) of constituent entities of the Russian Federation and other territories can be established by federal law.

Article 132

1. Bodies of local self-government shall independently manage municipal property, form, approve and implement the local budget, introduce local taxes and levies, resolve other issues of local importance and according to federal law ensure within their competence accessibility of medical care.

2. Bodies of local self-government may be vested by federal law, law of constituent entity of the Russian Federation with certain State powers on condition of transmission to them of material and financial resources necessary for their implementation. The implementation of the vested powers shall be controlled by the State.

3. Local self-government bodies and state power bodies shall be integrated in the unified system of public authority in the Russian Federation, and shall cooperate to most efficiently resolve tasks in the interests of population inhabiting the relevant territory.

Article 133

Local self-government in the Russian Federation shall be guaranteed by the right to legal protection and compensation of additional expenses arising as a result of exercising public functions by bodies of local self-government in cooperation with bodies of state powers, and by a ban on restrictions of the rights of local self-government which are established by the Constitution of the Russian Federation and federal laws.

CHAPTER 9 CONSTITUTIONAL AMENDMENTS AND REVISION OF THE CONSTITUTION

Article 134

Proposals on amendments to and revision of the provisions of the Constitution of the Russian Federation may be submitted by the President of the Russian Federation, the Council of Federation, the State Duma, the Government of the Russian Federation, legislative (representative) bodies of constituent entities of the Russian Federation, and by groups consisting of not less than one fifth of the members of the Council of Federation or of the deputies of the State Duma.

Article 135

1. The provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation may not be revised by the Federal Assembly.

2. If a proposal on revising the provisions of Chapters 1, 2 and 9 of the Constitution of the Russian Federation is supported by three fifths of the total number of members of the Council of Federation and deputies of the State Duma, then in accordance with federal constitutional law, a Constitutional Assembly shall be convened.

3. The Constitutional Assembly shall either confirm the invariability of the Constitution of the Russian Federation or draft a new Constitution of the Russian Federation, which shall be adopted by the Constitutional Assembly by two thirds of the total number of its members or shall be referred to a referendum. In the event that a referendum is held, the Constitution of the Russian Federation shall be considered to have been adopted if over one half of voters who participated in the vote voted in favour of it and provided that over a half of the electorate participated in the referendum.

Article 136

Amendments to the provisions of Chapters 3 – 8 of the Constitution of the Russian Federation shall be adopted in accordance with the procedure established for the adoption of federal constitutional law and shall come into force after they have been approved by legislative authorities of not less than two thirds of the constituent

entities of the Russian Federation.

Article 137

1. Amendments to Article 65 of the Constitution of the Russian Federation which determines the composition of the Russian Federation shall be introduced on the basis of a federal constitutional law on the admission to the Russian Federation and the creation within it of new constituent entities of the Russian Federation, or on changes in the constitutional and legal status of a constituent entity of the Russian Federation.

2. In the event of a change in the name of a republic, kray, oblast, city of federal significance, autonomous oblast or autonomous okrug the new name of the constituent entity of the Russian Federation shall be included in Article 65 of the Constitution of the Russian Federation.

Section Two. Concluding and Transitional Provisions

1. The Constitution of the Russian Federation shall come into force from the moment of its official publication according to the results of the popular vote.

The day of the popular vote of 12 December 1993 shall be considered the day of adoption of the Constitution of the Russian Federation.

Simultaneously the Constitution (Fundamental Law) of the Russian Federation – Russia adopted on 12 April 1978 with all amendments and changes thereto shall become invalid.

In case of non-compliance with the Constitution of the Russian Federation of the provisions of the Federal treaty – the Treaty on the Division of Subjects of Jurisdiction and Powers Between the Federal Bodies of State Power of the Russian Federation and the Bodies of Authority of the Sovereign Republics within the Russian Federation, the Treaty on the Division of Subjects of Jurisdiction and Powers Between the Federal Bodies of State Power of the Russian Federation and the Bodies of Authority of krays, oblasts, cities of Moscow and St. Petersburg of the Russian Federation, the Treaty on the Division of Subjects of Jurisdiction and Powers Between the Federal Bodies of State Power of the Russian Federation and the Bodies of Authority of the autonomous oblast, and autonomous okrugs within the Russian Federation, and also other treaties concluded between the federal bodies of state authority of the Russian Federation and bodies of state authority of the subjects of the Russian Federation, treaties between the bodies of state authority of the subjects of the Russian Federation, the provisions of the Constitution of the Russian Federation shall be applicable.

2. The laws and other legal acts in force in the territory of the Russian

Federation before the present Constitution comes into force shall be applied in part which does not contradict the Constitution of the Russian Federation.

3. The President of the Russian Federation elected according to the Constitution (Fundamental Law) of the Russian Federation – Russia from the date of the present Constitution coming into force shall carry out the powers established therein until expiration of the term of office for which he was elected.

4. The Council of Ministers – Government of the Russian Federation from the date when the present Constitution comes into force shall acquire the rights, obligations and responsibilities of the Government of the Russian Federation established by the Constitution of the Russian Federation and shall be further called the Government of the Russian Federation.

5. The courts of the Russian Federation shall administer justice in accordance with their powers established by the present Constitution.

After the Constitution comes into force the judges of all the courts of the Russian Federation shall retain their powers until the term they were elected for expires. Vacant positions shall be filled in accordance with the rules established by the present Constitution.

6. Until adoption and coming into force of the federal law establishing the rules for consideration of cases by a court with the participation of a jury, the existing rules of court examination of corresponding cases shall be preserved.

Until the legislation on criminal procedure of the Russian Federation is brought into conformity with the provisions of the present Constitution, the previous rules for arrest, detention and apprehension of people suspected of committing crimes shall be preserved.

7. The Council of Federation of the first convocation and the State Duma of the first convocation shall be elected for a period of two years.

8. The Council of Federation shall convene its first sitting on the thirtieth day after its election. The first sitting of the Council of Federation shall be opened by the President of the Russian Federation.

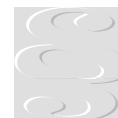
9. A deputy of the State Duma of the first convocation may be simultaneously a member of the Government of the Russian Federation. The deputies of the State Duma – members of the Government of the Russian Federation shall not enjoy immunity under the provisions of the present Constitution as regards immunity of deputies in part concerning actions (inaction) connected with fulfillment of their duties.

The deputies of the Council of the Federation of the first convocation shall

exercise their powers on a temporary basis.

Annex 579

Act on Compensation for Environmental Damage, No. 737/1994, 19 August 1994



No. 737
ACT ON COMPENSATION FOR
ENVIRONMENTAL DAMAGE

August 19, 1994

Section 1
Scope of application

Compensation shall be paid for a loss defined in this Act as environmental damage, caused by activities carried out in a certain area and resulting from:

- 1) pollution of the water, air or soil;
- 2) noise, vibration, radiation, light, heat or smell; or
- 3) other similar nuisance.

The keeper of a road, railway, port, airport or other comparable traffic area shall also be considered to be carrying out activities referred to above in paragraph 1.

This Act does not apply to contractual liability for compensation.

Section 2
Relationship to other legislation

This Act does not apply to losses, compensation for which is provided for in another Act.

This Act, however, also applies to environmental damage where compensation is due by virtue of the Product Liability Act (694/90).

The Adjoining Properties Act (26/20) and the Water Act (264/61) contain separate provisions on losses to be compensated under this Act.

The application of the provisions of this Act in procedures under certain other Acts is laid down in section 12.

Unless otherwise provided for in this Act, the Damages Act (412/74) applies to compensation for environmental damage.

Section 3
Causality

Compensation shall be paid for environmental damage in accordance with this Act if it is shown that there is a probable causal link between the activities and the loss referred to in section 1, paragraph 1. In assessing the probability of causality, consideration shall be given, among other things, to the type of activity and loss and to the other possible causes of the loss.

Section 4
Obligation to tolerate the nuisance

Compensation shall be paid for environmental damage by virtue of this Act only if toleration of the nuisance is deemed unreasonable, consideration being given, among other things, to local circumstances, the situation resulting in the occurrence of the nuisance, and the regularity of the nuisance elsewhere in similar circumstances.

The obligation to tolerate the nuisance prescribed in paragraph 1 above shall not, however, apply to loss inflicted deliberately or criminally, nor to bodily injury, nor to material loss of greater than minor significance.

Section 5
Damage for which compensation is due

Compensation shall be set for bodily injury and material loss in accordance with the provisions of chapter 5 of the Damages Act. Compensation shall be paid for financial loss not connected with bodily injury or material loss if the loss is not minor. Compensation shall, however, always be paid for loss inflicted criminally.

Reasonable compensation shall be paid for environmental damage other than that specified in paragraph 1; in the determination of this compensation, due consideration shall be given to the duration of the nuisance and the loss, and to the chances of the person suffering the loss avoiding or preventing this loss.

Section 6
Costs of prevention and reinstatement

Compensation shall also be paid by virtue of this Act for:

- 1) the costs of the measures needed to prevent environmental damage, as referred to in section 1, threatening the person undertaking the measures, or to reinstate a damaged environment;
- 2) the costs, incurred by authorities, of measures to prevent the threat or the effects of a nuisance referred to in section 1, or to reinstate a polluted environment to its original state, if the costs are reasonable relative to the nuisance or the threat thereof, and to the benefit gained by the measures; and
- 3) the costs of investigations that proved unavoidable in carrying out the preventive measures or reinstatement referred to above in subparagraphs 1 and 2.

This section does not apply to costs provided for in section 17 of the Act on the Imposed Threat of a Fine (1113/90).



Section 7

Persons liable for compensation

Even when the loss has not been caused deliberately or negligently, liability for compensation shall lie with a person

- 1) whose activity has caused the environmental damage;
- 2) who is comparable to the person carrying out the activity, as referred to in subparagraph 1; and
- 3) to whom the activity which caused the environmental damage has been assigned, if the assignee knew or should have known, at the time of the assignment, about the loss or the nuisance referred to in section 1 or the threat of the same.

In the assessment of the comparability referred to in paragraph 1, subparagraph 2, due consideration shall be given to the competence of the person concerned, his financial relationship with the person carrying out the activity and the profit he seeks from the activity.

Section 8

Joint and several liability

Persons liable for compensation shall be jointly and severally liable for environmental damage probably caused by the relevant activities as a whole.

Unless otherwise agreed, the joint and several liability for compensation shall be divided equitably, giving due consideration to the grounds for the liability, the chances of preventing the damage and the other prevailing circumstances.

However, liability for compensation shall not be imposed by judgment, in a degree exceeding the appropriate share, on a person whose share in inflicting the loss is manifestly minor.

Section 9

Advance compensation

If the future environmental damage resulting from a nuisance can be assessed in advance, compensation for it shall on demand be pre-set either as a lump sum or as an annual payment. If there is later an essential change in circumstances, or the assessed loss is otherwise essentially different from that actually resulting from the nuisance, the compensation set in this manner may be adjusted to a reasonable extent considering the circumstances.

An advance lump-sum compensation to be paid for damage caused to real estate shall be ordered to be deposited if the real estate, due to a mortgage or according to the provisions on the lien for an outstanding purchase price, stands as security for a claim or the right to collect a specific revenue in money or goods, and the owner does not show that the rights holders have consented to the payment of the compensation to him, or a court of law considers that the property can, despite the environmental damage, clearly bear the encumbrances attached to it. The provisions of section 7 of the Act on the Redemption (Expropriation) of Immoveable Property and

Special Rights (603/77) apply, where appropriate, to the deposit and withdrawal of the compensation.

Section 10

Duty of redemption

If, owing to environmental damage, the real estate is rendered entirely or partially useless to the owner, or its use for its intended purpose is essentially hampered, the party liable for compensation shall redeem the entire real estate or part thereof on the demand of the owner.

If a court of law rules that the real estate or part thereof shall be redeemed, the provisions of the Act on the Redemption (Expropriation) of Immoveable Property and Special Rights apply to the redemption.

If the damage has been caused jointly by several persons, the provisions of paragraph 1 only apply to the persons whose shares in causing the entire damage are substantial. The provisions currently in force on compensation paid under section 8 shall apply to the redemption compensation paid.

Section 11

Compensation procedure

An action referred to in this Act shall be brought before the court of law competent to hear a case concerning compensation by virtue of chapter 10 of the Code of Judicial Procedure.

Section 12

Application of the Act in procedures under certain other Acts

If, in a procedure under the Act on the Redemption (Expropriation) of Immoveable Property and Special Rights, the Act on Public Roads (243/54), the Act on Private Roads (358/62) or the Mining Act (503/65), compensation is to be set for environmental damage as referred to in this Act, the provisions of this Act on liability for compensation and on the grounds for compensation shall apply, except for sections 8 to 10 inclusive. This Act shall apply if activities under the acts mentioned above in this section lead to bodily injury deemed to be environmental damage.

Section 13

Entry into force and transitional provisions

This Act enters into force on June 1, 1995.

Earlier legislation shall apply to compensation for damage caused by activities carried out before the entry into force of this Act, even if the damage becomes apparent only after the entry into force.

Annex 580

Soil Environment Conservation Act, 5 January 1995, as amended from time to time
and updated in 2015

SOIL ENVIRONMENT CONSERVATION ACT

Act No. 4906, Jan. 5, 1995
Amended by Act No. 5454, Dec. 13, 1997
Act No. 5878, Feb. 8, 1999
Act No. 6452, Mar. 28, 2001
Act No. 6627, Jan. 26, 2002
Act No. 6656, Feb. 4, 2002
Act No. 6846, Dec. 30, 2002
Act No. 6893, May 29, 2003
Act No. 7291, Dec. 31, 2004
Act No. 7428, Mar. 31, 2005
Act No. 7459, Mar. 31, 2005
Act No. 8010, Sep. 27, 2006
Act No. 8014, Sep. 27, 2006
Act No. 8038, Oct. 4, 2006
Act No. 8352, Apr. 11, 2007
Act No. 8466, May 17, 2007
Act No. 8469, May 17, 2007
Act No. 10219, Mar. 31, 2010
Act No. 10314, May 25, 2010
Act No. 10551, Apr. 5, 2011
Act No. 11461, jun. 1, 2012
Act No. 11464, jun. 1, 2012
Act No. 11862, jun. 4, 2013
Act No. 12522, Mar. 24, 2014
Act No. 13169, Feb. 3, 2015
Act No. 13533, Dec. 1, 2015

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

The purpose of this Act is to prevent potential hazard to public health and environment to be caused by soil contamination, to conserve the soil ecosystem by properly maintaining and preserving soil including purifying contaminated soil, etc., to enhance the value of the soil as a resource, and to enable all citizens of the nation to live in a healthy and comfortable environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 2 (Definitions)

The definitions of terms used in this Act shall be as follows: <Amended by Act No. 12522, Mar. 24, 2014>

1. The term "soil contamination" means contamination of soil caused by business or other human activities, damaging the health and property of people or the environment;
2. The term "soil contaminants" means any substance causing soil contamination, which is prescribed by Ordinance of the Ministry of Environment;
3. The term "facilities subject to the control of soil contamination" means any facilities, equipment, buildings, structures, and other things determined by Ordinance of the Ministry of Environment which are suspected of contaminating soil through the production, transportation, storage, treatment, process, disposal, etc. of soil contaminants;
4. The term "specified facilities subject to the control of soil contamination" means the facilities subject to the control of soil contamination that are feared to seriously contaminate soil and which are specified by Ordinance of the Ministry of Environment;
5. The term "soil purification" means reducing or eliminating contaminants in soil or relieving any danger caused by contaminants in soil by means of biological, physical and chemical treatment, etc.;

6. The term "detailed soil survey" means surveying the types of contaminants, the degree and extent of contamination, etc. in any area that has exceeded or is highly likely to exceed the worrisome level provided for in Article 4-2 as prescribed by Ordinance of the Ministry of Environment;

7. The term "soil purification business" means the business of performing purification of contaminated soil.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 3 (Exclusion from Application)

(1) This Act shall not apply to soil contamination caused by radioactive materials nor the prevention thereof.

(2) Articles 15-3 and 15-6 shall not apply to a case where any contaminated farmland is purified due to the soil improvement project provided in Article 21 of the Farmland Act.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 4 (Formulation of Basic Plan for Soil Conservation, etc.)

(1) The Minister of Environment shall formulate and enforce a basic plan for soil conservation (hereinafter referred to as the "basic plan") every 10 years.

(2) The Minister of Environment shall, when he/she formulates the basic plan, consult the heads of the relevant central administrative agencies.

(3) The basic plan shall include matters as prescribed in any of the following subparagraphs:

1. The guidelines for soil conservation policies;

2. The present condition, the on-going progress, and the prospects of soil conservation;

3. Matters concerning the prevention of soil contamination;

4. Matters concerning the soil purification and utilization of purified soil;

5. Matters concerning the development of technologies related to soil purification and promotion of associated industries;

6. Matters concerning education and fostering of technical human resources for soil purification;

7. Other necessary matters for soil conservation.

(4) The Special Metropolitan City Mayor, Metropolitan City Mayor, Do Governor or the Governor of a Special Self-governing Province (hereinafter referred to as the "Mayor/Do Governor") shall formulate a regional soil conservation plan for the region under his/her jurisdiction (hereinafter referred to as the "regional plan") in accordance with the basic plan, and shall enforce it after obtaining the approval of the Minister of Environment. This provision shall also apply when alterations are to be made to the regional plan.

(5) The formulation method and procedure of the basic and regional plan and other necessary matters shall be prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 4-2 (Worrisome Level of Soil Contamination)

The level of soil contamination, which is likely to obstruct the health and properties of persons or rearing of animals and plants (hereinafter referred to as the "worrisome level") shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 4-3 (Installation and Operation of Information System)

(1) The Minister of Environment shall install and operate a information system to ensure the easy access to the following information by the people:

1. Outcomes of investigation on facilities subject to the control of soil contamination prescribed in Article 4-4;

2. Outcomes of regular measuring, surveys of the actual state of soil contamination, and detailed soil surveys under Article 5;

3. Current status of designation of soil-related specialized agencies under Article 23-2;

4. Current status of registration of the soil purification business under Article 23-7;

5. Current status of installation, etc. of specific facilities subject to control of soil contamination under Article 26-3;

6. Any other information prescribed by Ordinary of the Ministry of Environment.

(2) Matters necessary for installing, operating, etc. the information system pursuant to paragraph (1) shall be prescribed by the Minister of Environment.

[This Article Newly Inserted by Act No. 13533, Dec. 1, 2015]

Article 4-4 (Investigation on Facilities, etc. Subject to Control of Soil Contamination)

(1) The Minister of Environment shall investigate, on a regular basis (hereinafter referred to as "investigation on facilities, etc. subject to the control of soil contamination" in this Article), the distribution status of facilities subject to the control of soil contamination, detailed soil surveys prescribed in Article 5 (4), detailed soil surveys prescribed in Article 10-4 (1), and current status of implementing projects for purifying or improving contaminated soil, in order to rationally formulate or approve the basic plan and regional plan pursuant to Article 4, measures for preventing topsoil erosion and its restoration measures referred to in Article 6-2, plans on areas requiring countermeasures for soil conservation under Article 18, or effectively measure soil contamination level pursuant to Article 5.

(2) The Minister of Environment may request the head of the relevant agency to submit the necessary data of the investigation of facilities, etc. subject to the control of soil contamination pursuant to paragraph (1). In such cases, the head of the relevant agency in receipt of the request shall follow its request except in extenuating circumstances.

(3) Necessary matters concerning the method, object, procedure, etc. of investigation, such as facilities subject to the control of soil contamination under paragraph (1), shall be prescribed by the Minister of Environment.

[This Article Newly Inserted by Act No. 13533, Dec. 1, 2015]

Article 5 (Measuring of Soil Contamination Level)

(1) For the purpose of surveying the actual nationwide state of soil contamination, the Minister of Environment shall establish a measuring network and measure the soil contamination level at all times.

(2) The Mayor/Do Governor or the head of a Si/Gun/Gu (referring to the head of autonomous Gu; hereafter the same shall apply) shall conduct a survey of the actual state of soil contamination in the area under his/her jurisdiction which is feared to suffer (hereinafter referred to as the "survey of the actual state of soil contamination"). In this case, the head of a Si/Gun/Gu shall report the result of the survey of the actual state of soil contamination to the Mayor/Do Governor as prescribed by Ordinance of the Ministry of Environment and the Mayor/Do Governor shall report the result of the survey of the actual state of soil contamination that he/she conducts and the result of the survey of the actual state of soil contamination that the head of a Si/Gun/Gu reports to him/her to the Minister of Environment as prescribed by Ordinance of the Ministry of Environment.

(3) The standards for establishment of measuring network under paragraph (1), the selection standards for areas subject to a survey of the actual state of soil contamination, the method and procedure for such survey, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(4) If the Minister of Environment, the Mayor/Do Governor or the head of a Si/Gun/Gu deems it necessary, he/she may conduct a detailed soil survey in any of the following areas as prescribed by Ordinance of the Ministry of Environment:

1. Areas in which the results of a regular measuring under paragraph (1) (hereinafter referred to as the "regular measuring") exceed the worrisome level;
2. Areas in which the results of a survey of the actual state of soil contamination exceed the worrisome level;

3. Other areas falling under any of the following categories which are deemed by the Minister of Environment, the Mayor/Do Governor or the head of a Si/Gun/Gu to have a great possibility for exceeding the worrisome level:

- (a) Areas where accidents of soil contamination have taken place;

- (b) Industrial complexes (excluding agricultural and industrial complexes) under subparagraph 5 of Article 2 of the Industrial Sites and Development Act;

- (c) Periphery areas of abandoned mines under subparagraph 4 of Article 2 of the Mining Damage Prevention and Restoration Act;

- (d) Reclamation facilities and their periphery areas from among the waste disposal facilities under subparagraph 8 of Article 2 of the Wastes Control Act;

- (e) Other areas prescribed by Ordinance of the Ministry of Environment.

(5) The results of regular measuring, survey of the actual state of soil contamination, and detailed soil survey under paragraph (4) shall be disclosed to the public.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 6 (Decision and Notification of Installation Plan of Measuring Network)

The Minister of Environment shall decide and publicly announce the installation plan of the measuring network, pursuant to Article 5 (1), which indicates in detail the location and area in which the measuring

network is installed, and he/she shall have the drawings thereof available for the public. This provision shall also apply to the case where changes are to be made to the installation plan of the measuring network.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 6-2 (Survey on Actual State of Topsoil Erosion)

(1) In order to apprehend the actual state of soil environment related to erosion of topsoil, the Minister of Environment may perform a survey on the actual state and level of topsoil erosion in the areas falling under any of the following subparagraphs:

1. Areas designated and publicly announced as the water-source protection areas under Article 7 of the Water Supply and Waterworks Installation Act;
2. Areas each of which is designated and publicly announced as the waterfront areas respectively under Article 4 of Act on the Improvement of Water Quality and Support for Residents of the Han River Basin, Article 4 of the Act on Water Management and Resident Support in the Nakdong River Basin, Article 4 of the Act on Water Management and Resident Support in the Geum River Basin, and Article 4 of the Act on Water Management and Resident Support in the Yeongsan and Seomjin River Basins.

(2) Where the level of topsoil erosion exceeds the criteria prescribed by Ordinance of the Ministry of Environment as a result of the survey pursuant to paragraph (1), the Minister of Environment shall formulate and implement the necessary countermeasures.

(3) Matters necessary for the procedures and methods of the survey pursuant to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 6-3 (Soil Purification for State Property)

(1) In any of the following cases, the Minister of Environment may conduct the soil purification work after carrying out a detailed soil survey in order to prevent the proliferation of soil contamination. In such cases, the detailed soil survey may be omitted, if it has been already conducted: <Amended by Act No. 12522, Mar. 24, 2014>

1. Where the soil purification is necessary due to occurrence of soil contamination exceeding the worrisome level owing to the State property referred to in subparagraph 1 of Article 2 of the State Property Act, and the State is a person responsible for purification under Article 10-4 (1) (hereinafter referred to as the "person responsible for purification");

2. Where the soil purification work is conducted under the proviso to Article 15 (3), and the Mayor/Do Governor or the head of a Si/Gun/Gu makes an urgent request for the soil purification work;

3. Where a project designed to improve contaminated soil is carried out under Article 19 (3), and the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu makes an urgent request for the soil purification work.

(2) Where the Minister of Environment intends to conduct the soil purification work under paragraph (1), he/she shall consult in advance with the head of the relevant central government agency in cases referred to in subparagraph 1 of the same paragraph, and with the Mayor/Do Governor or the head of a Si/Gun/Gu and a person responsible for purification in cases referred to in subparagraph 2 or 3 of the same paragraph, on timing, area, and costs of the soil purification work. In such cases, he/she may have the local government requesting the soil purification work bear the costs required for purification, etc. pursuant to paragraph (1) 2 or 3 within the scope prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12522, Mar. 24, 2014>

(3) Where the Minister of Environment intends to conduct the soil purification work under paragraph (1), he/she shall formulate and publicly announce the soil purification plan including the following matters, as prescribed by Ordinance of the Ministry of Environment:

1. Timing and period for the soil purification work;
2. Location of land subject to the soil purification;
3. Name and address of the proprietor of land subject to the soil purification;
4. Other matters prescribed by Ordinance of the Ministry of Environment.

(4) In cases referred to in paragraph (1) 2 or 3, reimbursement of the costs required for conducting detailed soil survey or soil purification may be claimed to the relevant person responsible for purification. <Amended by Act No. 12522, Mar. 24, 2014>

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 7 (Expropriation and Use of Land, etc.)

(1) The Minister of Environment, the Mayor/Do Governor or the head of Si/Gun/Gu may, where deemed necessary for the measuring, survey, installation or soil purification works falling under any of the

matters prescribed in the following subparagraphs, expropriate (applicable only to subparagraphs 2 and 4) or use the land, buildings, or fixtures of the land in the relevant area or zone:

1. Regular measuring, survey of the actual state of soil contamination, or detailed soil survey;
2. Establishment of a measuring network pursuant to Article 5 (1);
3. Survey on the actual state and level of topsoil erosion pursuant to Article 6-2;
4. Soil purification for the State property pursuant to Article 6-3.

(2) In case where the Minister of Environment has publicly announced a soil purification plan pursuant to Article 6-3 (3), it shall be deemed there have been a project approval and the public announcement thereof as prescribed in Articles 20 (1) and 22 of the Act on the Acquisition of and Compensation for Land, etc. for Public Works Projects and application for adjudication may be filed within the soil purification period set forth in the soil purification plan, notwithstanding Articles 23 (1) and 28 (1) of the same Act.

(3) With regard to the procedures of expropriation and use and the compensation for loss, etc. as provided for in paragraph (1), the Act on the Acquisition of and Compensation for Land, etc. for Public Works Projects shall apply unless there exist special provisions therefor.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 8 (Entry to Land of Other Persons, etc.)

(1) The Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu, or the specialized agency related to soil under Article 23-2 (hereinafter referred to as the "soil-related specialized agency") may, where deemed necessary for a regular measuring, survey of the actual state of soil contamination, detailed soil survey, survey on the actual state and level of topsoil erosion under Article 6-2 (1), or assessment of hazard as provided for in Article 15-5 (1), make the public officials under his/her control or employees of the soil-related specialized agency to enter the land of other persons and alter or remove the tree, stone, soil and other obstacles in the relevant land. In this case, the head of soil-related specialized agency shall obtain permission therefor from the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu.

(2) When intending to alter or remove the obstacles under paragraph (1), the competent public officials or employees of the soil-related specialized agency shall obtain consent from the proprietor, occupant, or manager of the obstacles: Provided, That when the competent public officials or employees of the soil-related specialized agency are unable to obtain consent because the proprietor, occupant, or manager is not present at the site, or his/her address or residence cannot be ascertained, they shall obtain consent from the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu.

(3) When intending to enter the land of other person or to alter or remove the obstacles from the surface of that land under paragraph (1), the competent public officials or employees of the soil-related specialized agency shall notify the proprietor, occupant or manager of the land or obstacles three days prior to the date of entering the land, altering or removing the obstacles: Provided, That the address or residence of the proprietor, occupant or manager of the land or obstacles cannot be ascertained, the notification may not be given.

(4) Before sunrise and after sunset, competent public officials or employees of the soil-related specialized agency shall be prohibited from entering into the residential site or fenced land of other person without permission of the occupant of the relevant land.

(5) The occupant of the land may not interfere with or refuse the activities of the competent public officials or employees of the soil-related specialized agency under paragraph (1), without any justifiable reasons.

(6) The public officials or employees of the soil-related specialized agency who intend to enter the land of other person under paragraph (1), shall carry a certificate indicating their authority and show it to the relevant persons.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 9 (Compensation for Loss)

(1) In case where the State, a local government or a soil-related specialized agency inflicts loss to other persons on account of the activities under Article 8, it shall compensate for such loss as prescribed by Presidential Decree.

(2) Persons who intend to obtain a compensation under paragraph (1) shall claim such with the Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu or the head of soil-related specialized agency.

(3) The Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu or the head of soil-related specialized agency shall, where a claim under paragraph (2) has been made, determine the amount,

etc. to be compensated through the consultation with the person suffered such loss, and notify the claimant thereof.

(4) The Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu, the head of soil-related specialized agency or the person suffered a loss may, where the consultation under paragraph (3) fails to lead to an agreement or may not be achieved, file a motion for adjudication with the competent Land Expropriation Committee as prescribed by Presidential Decree.

(5) A person who is dissatisfied with the adjudication under paragraph (4) may file an objection with the Central Land Expropriation Committee within one month from the date of receiving the original written adjudication.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 10 Deleted. <by Act No. 8038, Oct. 4, 2006>

Article 10-2 (Assessment of Soil Environment)

(1) Where a site on which any of the following facilities are installed or used to be installed, or any other land which is likely to cause soil contamination is transferred or acquired (including auction under the Civil Execution Act, conversion under the Debtor Rehabilitation and Bankruptcy Act, sale of seized assets under the National Tax Collection Act, the Customs Act or the Framework Act on Local Taxes, and other acquisitions made in accordance with procedures similar thereto; hereinafter the same shall apply), or rented out or taken on lease, the transferor, transferee, lesser, or lessee may receive an assessment by a soil environment assessment institution as to soil contamination (hereinafter referred to as "assessment of soil environment") for the relevant site, its neighboring areas, and the land which is likely to cause soil contamination: <Amended by Act No. 12522, Mar. 24, 2014>

1. Facilities subject to the control of soil contamination;
2. Factories referred to in subparagraph 1 of Article 2 of the Industrial Cluster Development and Factory Establishment Act;
3. National defense and military installations referred to in Article 2 (1) of the Act on National Defense and Military Installations Projects.

(2) Where a person, who has acquired by transfer a site on which any of the facilities prescribed in subparagraphs of paragraph (1) are installed or used to be installed or any other land which is likely to cause soil contamination, has ascertained that the contamination level of such site or land is below the worrisome level as a result of assessments of its soil environment conducted under the same paragraph as at the time of its acquisition, he/she shall be deemed to be in good faith and not negligent in preventing the relevant soil contamination. <Amended by Act No. 12522, Mar. 24, 2014>

(3) Assessment of soil environment shall be conducted as prescribed in each of the following subparagraphs, and detailed matters concerning the assessment of soil environment and other necessary matters shall be prescribed by Presidential Decree:

1. Assessment items of soil environment shall include soil contaminants under subparagraph 2 of Article 2 and contaminants prescribed by Presidential Decree as necessary for the assessment of soil environment;
2. Assessment procedures for soil environment shall be conducted by classifying into basic survey, overall survey, and detailed survey;
3. Assessment methods of soil environment shall include survey, analysis, and appraisal of contamination level of contaminants referred to in subparagraph 1, actual utilization state of the subject land, and whether or not the subject falls under any facilities subject to the control of soil contamination.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 10-3 (Strict Liability, etc. for Damages Resulting from Soil Contamination)

(1) Where any damage occurs due to the soil contamination, a person who has caused the contamination shall compensate for such damage and take measures, such as purifying the contaminated soil: Provided, That the same shall not apply to cases where the soil contamination has been caused by a natural disaster, war, or force majeure. <Amended by Act No. 12522, Mar. 24, 2014>

(2) Where at least two persons have caused the contamination, and it is impracticable to find out which one has caused the damage under paragraph (1), each one shall jointly and severally compensate for such damage and take measures, such as purifying the contaminated soil. <Amended by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 10-4 (Responsibility, etc. for Purification of Soil Contamination)

(1) Any of the following persons shall, as a person responsible for purification, carry out a detailed soil survey, purification of contaminated soil under Article 11 (3), 14 (1), or 15 (1) and (3), or a project for improving contaminated soil under Article 19 (1) (hereinafter referred to as "soil purification, etc." in this Article):

1. Any person who causes soil contamination by discharging, leaking, dumping, neglecting soil contaminants, or committing other acts;
2. The proprietor, occupant, or operator of a facility subject to the control of soil contamination constituting a cause for soil contamination as at the time soil contamination occurs;
3. Any person who has comprehensively succeeded to the rights and liabilities of those falling under subparagraphs 1 and 2 on account of merger, inheritance or other reasons;
4. Any person who previously owned or presently owns or occupies land on which soil contamination has occurred.

(2) Notwithstanding the provisions of paragraph (1), any of the following person shall not be deemed a person responsible for purification referred to in paragraph (1) 4: Provided, That the same shall not apply where he/she permits, after January 6, 1996, any person prescribed in paragraph (1) 1 or 2 to use the land he/she owns or occupies:

1. Where the person no longer owned the relevant land due to transfer or other reasons before January 5, 1996;
2. Where the person acquired the relevant land before January 5, 1996;
3. Where the person was in good faith and was not negligent in preventing soil contamination as at the time he/she acquired the land on which soil contamination has occurred;
4. Where soil contamination occurs while the person owns or occupies the relevant land and such soil contamination occurs due to reasons unattributable to him/her.

(3) Where at least two persons responsible for purification exist to whom the Mayor/Do Governor or the head of a Si/Gun/Gu may issue an order for soil purification, etc. pursuant to Article 11 (3), 14 (1), 15 (1) and (3) or 19 (1), he/she shall order soil purification, etc., taking into account the degree of responsibility of each person responsible for purification for the relevant soil contamination, the possibility of prompt and smooth soil purification, etc., as prescribed by Presidential Decree, and may seek advice from the Soil Purification Advisory Committee referred to in Article 10-9, if necessary.

(4) Where a person responsible for purification, ordered to conduct soil purification, etc. pursuant to Article 11 (3), 14 (1), 15 (1) and (3) or 19 (1), has performed soil purification, etc. at his/her own expenses, he/she may claim reimbursement for the expenses to be borne by the other persons responsible for purification.

(5) In any of the following cases, the State may subsidize all or part of the expenses incurred in conducting soil purification, etc. pursuant to Article 11 (3), 14 (1), 15 (1) and (3) or 19 (1) (excluding both the expenses refundable through the exercise of the claim for reimbursement under Article 10-4 (4) and the amount equivalent to an increase in the value of the relevant land caused by soil purification, etc.; hereinafter the same shall apply), as prescribed by Presidential Decree:

1. Where the expenses required by a person responsible for soil purification under paragraph (1) 1, 2 or 3 to perform soil purification, etc. significantly exceed either his/her share of expenses or the profits he/she has gained or is expected to gain by owning, occupying or operating the relevant facility subject to the control of soil contamination;
2. Where the expenses required by a person, who acquired the relevant land before December 31, 2001 or no longer owns it due to transfer thereof or other reasons, to perform soil purification, etc. as a person responsible for purification under paragraph (1) 4 exceeds the value of the relevant land;
3. Where the expenses required by a person who acquired the relevant land after January 1, 2002 to perform soil purification, etc. as a person responsible for purification under paragraph (1) 4 significantly exceeds the value of the relevant land and the profits he/she has gained or is expected to gain by owning or occupying such land;
4. Other cases determined by Presidential Decree for which expenses for soil purification, etc. need to be subsidized.

[This Article Wholly Amended by Act No. 12522, Mar. 24, 2014]

[This Article wholly amended by Act No. 12522 on March 24, 2014 following the decision of unconstitutionality made by the Constitutional Court on August 23, 2012]

Article 10-5 (Establishment of Soil Purification Cooperative)

(1) Establishers and operators of specified facilities subject to the control of soil contamination and persons who have filed registration of soil purification business under Article 23-7 (1) (hereinafter referred to as "soil purification business operators") may establish soil purification cooperatives (hereinafter referred to as the "cooperatives") with the permission from the Minister of Environment in order to guarantee for the purification work of contaminated soil under Article 11 (3) and to secure financial resources.

(2) A cooperative shall be a corporation.

(3) A cooperative shall be established by effecting its registration at the seat of its principal office.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 10-6 (Activities of Cooperatives)

The cooperatives shall be engaged in the activities prescribed in each of following subparagraphs:

1. Mutual-aid activities for the soil purification work of its members;

2. Activities related to the survey, development and distribution of technology necessary for the prevention of soil contamination and soil purification.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 10-7 (Contribution)

(1) Members of the cooperatives shall pay to the cooperative their respective contributions, which is necessary for carrying out the activities referred to in Article 10-6.

(2) The basis for computing the contribution, payment procedure and other necessary matters shall be determined by the articles of association.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 10-8 (Application Mutatis Mutandis of the Civil Act)

Except as otherwise provided in this Act, the provisions of the Civil Act, which pertain to incorporated associations shall apply mutatis mutandis to the cooperatives.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

Article 10-9 (Soil Purification Advisory Committee)

(1) In order to respond to inquiries from the Mayor/Do Governor or the head of a Si/Gun/Gu under Article 10-4 (3), the Soil Purification Advisory Committee shall be established under the jurisdiction of the Ministry of Environment (hereinafter referred to as the "Committee").

(2) The Committee shall be comprised of five to nine members, including the Chairperson.

(3) Matters necessary for the organization, operation, etc. of the Committee shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 12522, Mar. 24, 2014]

Article 10-10 (Establishment, Operation, etc. of Soil Environment Center)

(1) The Minister of Environment may establish or operate a soil environment center to efficiently perform the following affairs relating to soil conservation:

1. Affairs for the development and utilization of research and technology related to the soil environmental industry;

2. Dissemination of technology related to soil conservation, promotion of its commercialization and support for its advance into overseas markets;

3. Affairs for the collection and utilization of, and education, publicity, and international cooperation on, the information related to the soil environmental industry;

4. Affairs for the invigoration of the soil environmental industry, such as the operation of a soil environment assessment system;

5. Affairs entrusted by the State, local governments, or public institutions referred to in Article 4 of the Act on the Management of Public Institutions with regard to the affairs under subparagraphs 1 through 4.

(2) The Minister of Environment may subsidize all or part of the expenses incurred in carrying out the affairs referred to in paragraph (1).

(3) The Minister of Environment may entrust the operation of the soil environment center to the Korea Environmental Industry and Technology Institute under Article 5-3 of the Environmental Technology and Industry Support Act.

(4) Matters necessary for the operation, supervision, etc. of the soil environment center shall be prescribed by Presidential Decree.

[This Article Newly Inserted by Act No. 12522, Mar. 24, 2014]

CHAPTER II REGULATION ON SOIL CONTAMINATION

Article 11 (Reports on Soil Contamination, etc.)

(1) In any of the following cases, the relevant person shall file a report to the Governor of the competent Special Self-Governing Province or the head of the competent Si/Gun/Gu without delay: <Amended by Act No. 12522, Mar. 24, 2014>

1. Where a person who produces, transports, stores, handles, processes, or treats soil contaminants, discharges or leaks them in the process;

2. Where a person who owns, occupies, or operates facilities subject to the control of soil contamination finds the soil of the site on which such facilities are installed or its neighboring areas has been contaminated;

3. Where the proprietor or occupant of land finds the land he/she owns or occupies contaminated.

(2) When the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu receives a report referred to in paragraph (1) or otherwise finds the discharge or leakage of soil contaminants, he/she may have public officials belonging thereto enter the relevant land and survey the cause and the level of soil contamination.

(3) With respect to any soil whose level of contamination is found to exceed the worrisome level of soil contamination (hereinafter referred to as the "contaminated soil") as a result of the survey referred to in paragraph (2), the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may order the person responsible for purification to ask the soil-related specialized agency for conducting a detailed soil survey and to take measures to purify the contaminated soil within a prescribed period, as prescribed by Presidential Decree. <Amended by Act No. 12522, Mar. 24, 2014>

(4) If the soil-related specialized agency conducts the detailed soil survey pursuant to paragraph (3), it shall inform without delay the Governor of the competent Special Self-Governing Province or the head of the competent Si/Gun/Gu of the results of the detailed soil survey.

(5) Public officials who intend to enter any land of other person under paragraph (2) shall carry certificates showing their authority and produce them to the relevant persons.

(6) Where the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu has public officials belonging thereto enter the relevant land to survey the cause and the level of soil contamination pursuant to paragraph (2), he/she shall inform the head of a regional environment office of such fact without delay. <Newly Inserted by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 11-2

[This Article Wholly Relocated to Article 13 by Act No. 7291, Dec. 31, 2004]

Article 12 (Reports, etc. on Specific Facilities Subject to Control of Soil Contamination)

(1) Any person who intends to install the specified facilities subject to the control of soil contamination shall, as prescribed by Presidential Decree, report on the details of such facilities and a plan for installing the facilities to prevent soil contamination under paragraph (3) to the Governor of the competent Special Self-Governing Province or the head of the competent Si/Gun/Gu. The same shall also apply where the reported matters, the details of which are prescribed by Ordinance of the Ministry of Environment, are changed (including the closure of specified facilities subject to the control of soil contamination).

(2) Permission granted or registration made under the Safety Control of Dangerous Substances Act, the Chemicals Control Act and other statutes designated by Ordinance of the Ministry of Environment concerning the installation of the specified facilities subject to the control of soil contamination shall be deemed to be a report made under paragraph (1). In such cases, the head of a permission or registration agency shall notify such facts to the Governor of the competent Special Self-Governing Province, or the head of the competent Si/Gun/Gu having jurisdiction over an area in which the specified facilities subject to the control of soil contamination are installed, attaching the documents concerning the facilities for preventing soil contamination, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11862, Jun. 4, 2013>

(3) The installer of the specified facilities subject to the control of soil contamination (including an operator of relevant facilities; hereinafter the same shall apply) shall, as prescribed by Presidential Decree, install the facilities for preventing soil contamination (hereinafter referred to as the "facilities for preventing soil contamination"), and maintain it properly.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 12-2 (Legal Fiction of Report on Modification Following Other Acts)

(1) Where any change is reported pursuant to the latter part of Article 12 (1), the following report on modification shall be deemed to have been made in relation to the specified facilities subject to the control of

soil contamination: Provided, That matters concerning a report on modification shall be limited to where the name or a representative of the business place is changed:

1. Report on modifications concerning discharge facilities pursuant to the proviso to Article 33 (2) and (3) of the Water Quality and Aquatic Ecosystem Conservation Act;

2. Report on modifications concerning discharge facilities under Article 44 (2) of the Clean Air Conservation Act.

(2) A person who intends to be deemed to have reported on modification pursuant to paragraph (1) shall submit the relevant documents prescribed by applicable Acts, when applying for the report on modification.

(3) When the report on modification has been disposed, the head of an administrative agency in receipt of a report on modification pursuant to paragraph (1) shall without delay notify the head of the competent administrative agency under the jurisdiction of the report on modification set forth in any subparagraph of paragraph (1) of its contents.

(4) Where the report on modifications is deemed to have been made pursuant to paragraph (1), he/she shall be exempted from charges imposed in accordance with the relevant Acts.

[This Article Newly Inserted by Act No. 13533, Dec. 1, 2015]

[Enforcement Date : Jun. 2, 2016]

Article 13 (Soil Contamination Inspection)

(1) The installer of the specified facilities subject to the control of soil contamination shall, as prescribed by Presidential Decree, undergo the soil contamination inspection on the site of relevant facilities and the areas around it (hereinafter referred to as the "soil contamination inspection") conducted by a soil-related specialized agency: Provided, That the same shall not apply where the collection of soil samples is impossible or the soil contamination inspection is unnecessary, which fall under the requirements prescribed by Presidential Decree and the Governor of a Special-Self Governing Province or the head of a Si/Gun/Gu approves.

(2) The procedures for an approval under the proviso to paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment, and the applicant for such approval shall attach the opinion of a soil-related specialized agency: Provided, That in cases where prescribed by Presidential Decree, such as some facilities among a large number of the same type of storage facilities are shut down, etc., the opinion of the soil-related specialized agency may not be attached.

(3) The soil contamination inspection shall be conducted in two parts which are an inspection of soil contamination levels and an leakage inspection: Provided, That the leakage inspection shall be conducted only for the facilities over which a visual verification of leakage is impossible because the storage facilities or pipes are buried underground or stuck on the land and the inspection of which is deemed necessary by the Governor of a Special-Self Governing Province or the head of a Si/Gun/Gu as prescribed by Ordinance of the Ministry of Environment.

(4) The soil-related specialized agency shall, where it has conducted the soil contamination inspection, notify inspection results to the installer of the specified facilities subject to the control of soil contamination, the Governor of the competent Special-Self Governing Province, or the head of the competent Si/Gun/Gu, and the head of competent fire station (a notification to the head of fire station shall be limited to the case of facilities, from among those permitted under the Safety Control of Dangerous Substances Act, verified to have a leakage of contaminated substance as a result of a leakage inspection), and the installer of the specified facilities subject to the control of soil contamination shall keep the result of inspection notified to him/her, as prescribed by Ordinance of the Ministry of Environment. In such case, the installer of the specified facilities subject to the control of soil contamination may keep the result of inspection notified to him/her in the form of the electronic document as provided for in subparagraph 1 of Article 2 of the Act on Electronic Documents and Transactions. <Amended by Act No. 11461, Jun. 1, 2012>

(5) The method of collecting samples for the soil contamination inspection and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(6) Where it is deemed necessary to perform a close inspection based on the soil contamination inspection results notified by the soil-related specialized agency pursuant to paragraph (4), the Governor of the competent Special-Self Governing Province or the head of the competent Si/Gun/Gu may commission any soil-related specialized agency that is prescribed by Ordinance of the Ministry of Environment with the soil contamination inspection.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 14 (Order Given to Installer of Specific Facilities Subject to Control of Soil Contamination)

(1) The Governor of a Special-Self Governing Province or the head of a Si/Gun/Gu may, in case where the installer of the specified facilities subject to the control of soil contamination falls under any case of the following subparagraphs, order him/her to install or improve the facilities for preventing soil contamination and to take measures to purify the contaminated soil for the period that is fixed by Presidential Decree, or ask the soil-related specialized agency to conduct a detailed soil survey in the site of such facilities and surrounding areas:

1. Where he/she fails to install the facilities for preventing soil contamination or to meet the relevant criteria;

2. Where the level of soil contamination is revealed to exceed the worrisome level after an inspection of soil contamination levels conducted pursuant to Article 13 (3);

3. Where a leakage is found as a result of a leakage inspection conducted pursuant to Article 13 (3).

(2) The soil-related specialized agency shall, where it conducts the detailed soil survey pursuant to paragraph (1), inform without delay the installer of the specified facilities subject to the control of soil contamination, the Governor of the competent Special-Self Governing Province, or the head of the competent Si/Gun/Gu of the result of such detailed soil survey.

(3) The Governor of a competent Special-Self Governing Province or the head of a Si/Gun/Gu may order the installer of the specified facilities subject to the control of soil contamination to suspend the use of relevant facilities, where the said installer fails to comply with the order under paragraph (1), or where the level of soil contamination in the site of relevant facilities and surrounding areas fails to come down below the purification standards under Article 15-3 (1) even if he/she has complied with the relevant order.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15 (Orders, etc. to Take Preventive Measures against Soil Contamination)

(1) The Mayor/Do Governor or the head of a Si/Gun/Gu may order a person responsible for purification in an area falling under Article 5 (4) 1 or 2 to undergo a detailed soil survey conducted by a soil-related specialized agency by fixing a period, as prescribed by Presidential Decree. <Amended by Act No. 10551, Apr. 5, 2011; Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

(2) Where the soil-related specialized agency has conducted a detailed soil survey under paragraph (1), it shall notify without delay the person responsible for purification and the competent Mayor/Do Governor or the head of a Si/Gun/Gu of the inspection results. <Amended by Act No. 10551, Apr. 5, 2011; Act No. 12522, Mar. 24, 2014>

(3) Where the level of soil contamination exceeds the worrisome level as a result of the regular measuring, the survey of the actual state of soil contamination, or the detailed soil survey, the Mayor/Do Governor or the head of a Si/Gun/Gu may order the person responsible for purification to take any of the following measures by fixing a period prescribed by Presidential Decree: Provided, That where it is impracticable to identify the person responsible for purification, or it is deemed impracticable for the person responsible for purification to purify the contaminated soil, the Mayor/Do Governor or the head of the Si/Gun/Gu may purify such contaminated soil: <Amended by Act No. 10551, Apr. 5, 2011; Act No. 12522, Mar. 24, 2014>

1. To improve or relocate the facilities subject to the control of soil contamination;

2. To limit or stop the use of relevant soil contaminants;

3. To purify contaminated soil.

(4) and (5) Deleted. <by Act No. 7291, Dec. 31, 2004>

(6) The Minister of Environment may, where any soil contamination is found to exceed the worrisome level as a result of the measurement of soil contamination under Article 5, request the Mayor/Do Governor or the head of a Si/Gun/Gu having jurisdiction over an area to take measures referred to in paragraph (3).

<Amended by Act No. 10551, Apr. 5, 2011>

(7) The Mayor/Do Governor or the head of a Si/Gun/Gu shall, upon receiving a request from the Minister of Environment under paragraph (6), take measures referred to in paragraph (3) and report the results thereof to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 10551, Apr. 5, 2011>

[This Article Wholly Amended by Act No. 6452, Mar. 28, 2001]

Article 15-2 (Reports on Execution of Order)

(1) When anyone who is ordered to take measures or to conduct the suspension pursuant to Article 11 (3), 14 (1) and (3) or 15 (3) executes such order, he/she shall promptly make a report thereon to the Mayor/Do Governor or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. In such cases, the Mayor/Do Governor or the head of the Si/Gun/Gu shall confirm the execution of such

order, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12522, Mar. 24, 2014>

(2) Where the person ordered to take measures pursuant to Article 11 (3) has reported on the completed execution of such order pursuant to paragraph (1), the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall notify the head of a regional environment office of the relevant report on the completed execution of such order, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-3 (Purification of Contaminated Soil)

(1) The contaminated soil shall be purified according to the purification standards and methods prescribed by Presidential Decree.

(2) The contaminated soil shall be purified by entrusting the purification work to a soil purification business operator (referring to the soil purification business operator who has registered facilities for purification of the contaminated soil brought into his/her facilities under Article 23-7 (1), in cases where the purification work is to be conducted by shipping it to other facilities under the proviso to paragraph (3)): Provided, That with respect to any soil contamination that falls under the categories and scales that are prescribed by Presidential Decree, including the soil contamination caused by organic solvents, etc., a person responsible for purification may purify it himself/herself. <Amended by Act No. 12522, Mar. 24, 2014>

(3) The contaminated soil shall be purified within a site where such soil contamination occurs: Provided, That where it is impracticable to purify the contaminated soil in the site due to inevitable reasons prescribed by Ordinance of the Ministry of Environment such as a narrow site area, the contaminated soil may be shipped out to the facilities owned by a soil purification business operator (referring to the facilities for purification of the contaminated soil under Article 23-7 (1)) for its purification, as prescribed by Ordinance of the Ministry of Environment.

(4) Any person who intends to purify the contaminated soil after shipping it out to other facilities under the proviso to paragraph (3) shall submit a contaminated soil ship-out and purification plan to the Governor of the competent Special Self-Governing Province or the head of the competent Si/Gun/Gu and receive a notification of appropriateness, as prescribed by Ordinance of the Ministry of Environment. The same shall apply to a case where he/she intends to change any important matters prescribed by Ordinance of the Ministry of Environment in the contaminated soil ship-out and purification plan that has been notified as appropriate under paragraph (5). <Amended by Act No. 11464, Jun. 1, 2012>

(5) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall notify the person who has submitted a contaminated soil ship-out and purification plan of whether the plan is appropriate or not after reviewing the following matters with respect to the plan submitted under paragraph (4): <Amended by Act No. 11464, Jun. 1, 2012>

1. Whether the soil is classified as the contaminated soil that can be shipped out to other facilities and purified under the proviso to paragraph (3);

2. Whether the contaminated soil ship-out and purification plan is appropriate.

(6) Any person who has received a notification of appropriateness under paragraph (5) shall, whenever he/she ships out, transports, purifies, or uses (referring to the first use of the purified soil; hereinafter the same shall apply) the contaminated soil, submit the soil transfer form in writing to the head of a Si/Gun/Gu who has jurisdiction over an area in which soil contamination has occurred as well as the Mayor/Do Governor who has jurisdiction over the soil purification business operator taking over the contaminated soil, or shall enter such information into the contaminated soil information system under paragraph (9). <Newly Inserted by Act No. 11464, Jun. 1, 2012>

(7) Anyone who purifies the contaminated soil shall be prohibited from performing either of the following acts: <Newly Inserted by Act No. 11464, Jun. 1, 2012>

1. An act of lowering concentrations of contaminants by mixing the contaminated soil with other soil;

2. Where the contaminated soil is shipped out to other facilities for purification under the proviso to paragraph (3), an act of keeping the contaminated soil in excess of the capacity of his/her facilities registered under Article 23-7 (1).

(8) Matters necessary for the soil transfer form under paragraph (6), the timing and method for filling out the form, and the timing for transferring the soil shall be determined by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11464, Jun. 1, 2012>

(9) The Minister of Environment may install and operate the contaminated soil information system that can computerize the process of shipping-out, transporting, purifying or using the contaminated soil. <Newly Inserted by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-4 (Prohibition on Dumping Contaminated Soil, etc.)

No one shall commit an act falling under any of the following subparagraphs:

1. The act of dumping or reclaiming the contaminated soil;
2. The act of leaking and discharging the contaminated soil in the course of storing, transporting and purifying it;
3. The act of using the soil whose purification work is completed for other area where the worrisome level is more strict than that of the purified soil.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-5 (Hazard Assessment)

(1) The Minister of Environment, the Mayor/Do Governor, the head of a Si/Gun/Gu or a person responsible for purification may have a hazard assessment agency designated under Article 23-2 (2) 1 conduct an assessment of the extent of hazard that contaminants cause to human bodies and environment, in consideration of the types of contaminants, the contamination level, surrounding areas, the future land utilization plan and other necessary matters (hereinafter referred to as “hazard assessment”) to reflect the results thereof in the scope, timing and level of the soil purification. <Amended by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

(2) Hazard assessment may be conducted in any of the following cases (only subparagraphs 4 and 5 shall apply to a person responsible for purification): <Amended by Act No. 12522, Mar. 24, 2014>

1. Where purification of the contaminated soil is intended under Article 6-3;
2. Where purification of the contaminated soil is intended under proviso to parts other than each subparagraph of Article 15 (3);
3. Where improvement to the contaminated soil is intended under Article 19 (3);
4. Where purification of contaminated soil is intended on the site where it is verified by methods prescribed by Presidential Decree as being contaminated due to the natural causes (excluding cases where purification of the contaminated soil is intended after it is shipped to other facilities under the proviso to Article 15-3 (3));

5. Any other cases which necessitate the hazard assessment, as prescribed by Presidential Decree.

(3) Where the Mayor/Do Governor, the head of a Si/Gun/Gu, or a person responsible for purification intends to reflect the hazard assessment results in the timing, scope, and level of the soil purification, the results shall be verified preliminarily by the Minister of Environment. <Amended by Act No. 12522, Mar. 24, 2014>

(4) Items and methods of the hazard assessment and other necessary matters as well as the procedures and methods for verification of the hazard assessment results shall be prescribed by Ordinance of Ministry of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-6 (Verification of Soil Purification)

(1) Where a person responsible for purification entrusts a soil purification business operator with the work of purifying the contaminated soil, he/she shall have a soil contamination survey agency designated under Article 23-2 (2) 2 verify the process of purification and the completion of purification: Provided, That where the contaminated soil falls under the scales and categories that are prescribed by Presidential Decree such as a small scale of the contaminated soil or low concentrations of contaminants as a result of the detailed soil survey, the verification of the purification process may be omitted. <Amended by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

(2) When a person responsible for purification intends to undergo the purification process of the contaminated soil and the completion of the purification verified by the soil contamination survey agency pursuant to the main sentence of paragraph (1), he/she shall formulate a plan for purifying the contaminated soil according to details and procedures that are prescribed by Ordinance of the Ministry of Environment to submit such plan to the Governor of the competent Special Self-Governing Province or the head of the competent Si/Gun/Gu. The same shall apply where he/she intends to make changes to matters prescribed by Ordinance of the Ministry of Environment in the plan submitted. <Amended by Act No. 12522, Mar. 24, 2014>

(3) When the soil-related specialized agency performs the verification under paragraph (1), it may collect verification fees from persons responsible for purification. In such cases, standards for calculating verification fees shall be prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 12522, Mar. 24, 2014>

(4) Procedures, details, and methods for the verification referred to in paragraph (1) and other matters necessary for the verification shall be prescribed by Ordinance of the Ministry of Environment.

(5) In cases where a soil purification business operator undergoes verification of the process and completion of the purification work under paragraph (1), he/she shall not ship out the contaminated soil to another place before the verification is completed by a soil-related specialized agency.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 15-7 (Designation, etc. of Soil Control Complexes)

(1) In case where the Minister of Environment deems it necessary for efficient soil purification to concentrate the facilities required for the soil purification in a certain area for the purpose of conducting purification work after shipping out to other facilities under the proviso to Article 15-3 (3) or recycling the purified soil, he/she may designate a land of which the Minister of Environment is the head of the central government agency as a soil control complex from among the State property under the State Property Act.

(2) In case where the Minister of Environment intends to designate a soil control complex pursuant to paragraph (1), he/she shall, as prescribed by Presidential Decree, formulate a plan for creation of a soil control complex, hear the opinions of the competent Mayor/Do Governor, and consult the competent head of the central government agency. The same shall also apply where he/she intends to change the important matters of plan for creation of a soil control complex, which are prescribed by Presidential Decree.

(3) Notwithstanding the State Property Act, the Minister of Environment may allow by free contract any person who intends to operate the soil purification business to use or earn profit from part of the land of the soil control complex, or lend or sell it to him/her.

(4) For the smooth operation of the soil control complex pursuant to paragraph (1), the Minister of Environment may provide necessary support for establishment of infrastructure, etc. including roads.

[This Article Newly Inserted by Act No. 10551, Apr. 5, 2011]

CHAPTER III DESIGNATION AND MAINTENANCE OF AREA REQUIRING COUNTERMEASURES FOR SOIL CONSERVATION

Article 16 (Standards of Countermeasures against Soil Contamination)

The standards of soil contamination, which is likely to obstruct human health and properties or rearing of animals and plant, and accordingly would necessitate the countermeasures (hereinafter referred to as the "countermeasure standards"), shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 17 (Designation of Area Requiring Countermeasures for Soil Conservation)

(1) The Minister of Environment may designate the area exceeding the countermeasure standards, and the area requested by the Governor of a Special Self-Governing Province or the head of a Si/ Gun/Gu provided in paragraph (2) as an area requiring countermeasures for soil conservation (hereinafter referred to as an "area requiring countermeasures") in consultation with the head of the relevant central administrative agency and the competent Mayor/Do Governor: Provided, That any area that falls under the case that is prescribed by Presidential Decree shall be designated as an area requiring countermeasures.

(2) When the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu deems that soil conservation on a particular area under his/her jurisdiction is especially necessary, he/she may ask the Minister of Environment to designate the area as an area requiring countermeasures after consulting the Mayor/Do Governor having jurisdiction over the area even if the level of soil contamination in that area does not exceed the countermeasure standards.

(3) The standards and procedures of designating an area requiring countermeasures under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.

(4) In a case where the Minister of Environment designates an area requiring countermeasures under paragraph (1), he/she shall publicly announce the location, area, date, purpose of the designation and other matters as prescribed by Ordinance of the Ministry of Environment. This shall also apply when any matters announced are altered.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 18 (Formulation and Execution of Countermeasure Plans)

(1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu (in cases where the relevant area requiring countermeasures extends over at least two Sis/Guns/Gus (referring to an autonomous

Gu; hereinafter the same shall apply), the head of a Si/Gun/Gu refers to the head of a Si/Gun/Gu prescribed by Presidential Decree) shall formulate a countermeasure plan for soil conservation (hereinafter referred to as the "countermeasure plan") with respect to an area requiring countermeasures and execute it after obtaining approval therefor from the Minister of Environment and consulting with the Mayor/Do Governor having jurisdiction over the area.

(2) The countermeasure plan shall include the following matters:

1. The project for improving contaminated soil;
2. The plan for using the land, etc.;
3. The survey of damage to the health of residents and the countermeasures against such damage;
4. Countermeasures to support the residents suffering damage;
5. Other matters deemed and prescribed by Ordinance of the Ministry of Environment as necessary for the formulation and execution of the countermeasure plan.

(3) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may have the person responsible for purification bear part of the expenses required for countermeasures to support the residents suffering from damage under paragraph (2) 4. <Amended by Act No. 12522, Mar. 24, 2014>

(4) The types, standards and other necessary matters of the projects for improving contaminated soil under paragraph (2) 1 shall be determined by Presidential Decree.

(5) Detailed matters necessary for the survey of damage to the health of residents referred to in paragraph (2) 3 and the countermeasures against such damage referred to in paragraph (2) 4 shall be prescribed by Presidential Decree.

(6) When approving the countermeasure plan under paragraph (1), the Minister of Environment shall consult with the head of the relevant central administrative agency, and after granting the approval, he/she shall notify the head of the relevant central administrative agency thereof and may request him/her to take necessary measures. In such cases, the head of the relevant central administrative agency shall comply with such request, except in extenuating circumstances.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 18-2 (Report on Results of Implementing Countermeasure Plan)

The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu shall report the result of implementing the countermeasure plan to the Minister of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 19 (Projects for Improving Contaminated Soil)

(1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may order the person responsible for purification to execute the whole or part of the project for improving contaminated soil as provided for in Article 18 (2) 1. In such cases, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may, if deemed necessary for preservation of soil, require the soil-related specialized agency prescribed by Ordinance of the Ministry of Environment to direct and supervise the contaminated soil improvement project. <Amended by Act No. 12522, Mar. 24, 2014>

(2) Where a person responsible for purification intends to execute a project for improving contaminated soil as provided for in paragraph (1), he/she shall prepare the plan for such project, and obtain approval therefor from the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. This provision shall also apply when he/she intends to alter important matters prescribed by Ordinance of the Ministry of Environment from among other approved matters. <Amended by Act No. 12522, Mar. 24, 2014>

(3) In cases under paragraph (1), where a person responsible for purification does not exist or the project for improving contaminated soil is impracticable to be executed by the person responsible for purification, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may execute the pertinent project designed to improve contaminated soil. <Amended by Act No. 12522, Mar. 24, 2014>

(4) In cases under paragraph (3), where the pertinent area requiring countermeasures extends over at least two Sis/Guns/Gus, the head of a Si/Gun/Gu who is prescribed by Presidential Decree shall implement the project for improving contaminated soil.

(5) Where the project for improving contaminated soil as provided for in paragraph (3) or (4) is impracticable to be executed by the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu due to the lack of technology or the excess of project costs, etc., the Minister of Environment or the Mayor/Do Governor may, upon a request from the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, provide technological and financial support to the relevant project.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 20 (Limitation on Use of Land, etc.)

The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may impose limitations on the use of land or the installation of facilities deemed to have a possibility to harm the purpose of the designation of the area requiring countermeasures, as prescribed by Presidential Decree.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 21 (Limitations on Activities)

(1) No one shall discharge into the soil in the area requiring countermeasures the specified substances harmful to water quality under subparagraph 8 of Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act, wastes under subparagraph 1 of Article 2 of the Wastes Control Act, toxic chemicals under subparagraph 7 of Article 2 of the Chemicals Control Act, sewage and excreta under subparagraphs 1 and 2 of Article 2 of the Sewerage Act, or livestock excreta under subparagraph 2 of Article 2 of the Act on the Management and Use of Livestock Excreta: Provided, That acts prescribed by Ordinance of the Ministry of Environment shall be excluded therefrom: <Amended by Act No. 10314, May 25, 2010; Act No. 11862, Jun. 4, 2013>

(2) No one shall install facilities deemed and prescribed by Presidential Decree as likely to violate the purpose of the designation of the area requiring countermeasures in such area. <Amended by Act No. 10551, Apr. 5, 2011>

(3) Where the soil is contaminated or likely to be contaminated due to acts or installation of the facilities referred to in paragraphs (1) and (2), the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may order a person who performed such acts to eliminate soil contaminants or an installer of such facilities to remove the facilities. <Amended by Act No. 10551, Apr. 5, 2011>

Article 22 (Cancellation of Designation of Area Requiring Countermeasures)

(1) The Minister of Environment may cancel or alter the designation of an area requiring countermeasures under Article 17 (1) in case where the relevant area falls under any of the following subparagraphs:

1. Where the level of soil contamination is improved by designing and implementing countermeasures, coming down to a level below the purification standards under Article 15-3 (1);
2. Where it is inevitable for public interest;
3. Where the purpose of designating the area requiring countermeasures has ceased to exist due to natural disasters or other reasons.

(2) The provisions of Article 17 (2) and (4) shall apply mutatis mutandis to the cancellation or alternation of the designation of an area requiring countermeasures as provided for in paragraph (1).

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23 [Moved to Article 10-3]

CHAPTER III-2 SOIL-RELATED SPECIALIZED AGENCY AND SOIL PURIFICATION BUSINESS

Article 23-2 (Classification and Designation, etc. of Soil-Related Specialized Agency)

(1) Soil-related specialized agencies shall be classified into the following subparagraphs: <Amended by Act No. 11464, Jun. 1, 2012>

1. Soil environment assessment agency: an agency that assesses soil environment;
2. Hazard assessment agency: an agency that assesses hazardous levels;
3. Soil contamination survey agency: an agency that conducts the following duties:
 - (a) Detailed soil surveys;
 - (b) Inspection of soil contamination levels under Article 13 (3);
 - (c) Verification of soil purification under Article 15-6 (1);
 - (d) Guidance and supervision of projects to improve contaminated soil under Article 19 (1);
4. Leakage inspection agency: an agency that inspects leakage under Article 13 (3).

(2) Any person who intends to become a soil-related specialized agency according to the classifications in the subparagraphs of paragraph (1) shall be designated by the Minister of Environment or the Mayor/Do Governor as specified in the following subparagraphs after securing facilities, equipment and technological capabilities as prescribed by Presidential Decree. This shall also apply where the matters prescribed by Presidential Decree among those already designated are changed: <Newly Inserted by Act No. 11464, Jun. 1, 2012>

1. Soil environment assessment agencies under paragraph (1) 1 and hazard assessment agencies under paragraph (1) 2: The Minister of Environment;
2. Soil contamination survey agencies under paragraph (1) 3 and leakage inspection agencies under paragraph (1) 4: The Mayor/Do Governor.

(3) Soil contamination survey agencies under paragraph (1) 3 shall be designated from among the agencies falling under the following subparagraphs: Provided, That the agencies prescribed by Presidential Decree shall be deemed to be designated as a soil contamination survey agency under paragraph (1): <Amended by Act No. 11464, Jun. 1, 2012>

1. Regional environment offices;
2. National and public research institutes;
3. Universities under subparagraphs 1 through 6 of Article 2 of the Higher Education Act;
4. Special corporations established under the special Acts;
5. Nonprofit corporations under a permit for establishment by the Minister of Environment.

(4) The Minister of Environment or the Mayor/Do Governor shall, when he/she has designated a soil-related specialized agency, issue a certificate of designation and publicly announce such designation. <Amended by Act No. 11464, Jun. 1, 2012>

(5) Matters to be observed by soil-related specialized agencies, fees for inspection, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(6) A soil environment assessment agency and a hazard assessment agency designated under paragraph (2) 1 may allow a soil contamination survey agency designated under subparagraph 2 of the same paragraph to collect or analyze soil samples on their behalf for assessment of soil environment or of hazardous levels. <Amended by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-3 (Disqualifications of Soil-Related Specialized Agencies)

None of the following persons shall be designated as a soil-related specialized agency: <Amended by Act No. 13169, Feb. 3, 2015>

1. A person under adult guardianship or a person under limited guardianship;
2. A person who has been sentenced to a bankruptcy and not reinstated as yet;
3. A person for whom two years have not yet elapsed after the revocation of designation under Article 23-6;
4. A person who has been sentenced to imprisonment with labor or a heavier punishment for violating this Act and for whom two years have yet to pass from the date on which the execution of the sentence is completed (including where the execution of the sentence is deemed completed) or the execution of the sentence is exempted;
5. A corporation that employs persons falling under one of subparagraphs 1 through 4 from as its executive officers.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-4 (Prohibition on Lending Written Designation of Soil-Related Specialized Agency, etc.)

Anyone who is designated as the soil-related specialized agency shall be prohibited from permitting any other person to perform the work of his/her soil-related specialized agency by using his/her name or from lending the written designation of his/her soil-related specialized agency to any other person.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-5 (Prohibition on Concurrently Running other Businesses)

Neither those designated as a hazard assessment agency pursuant to Article 23-2 (2) 1 nor those designated as a soil contamination survey agency pursuant to subparagraph 2 of the same paragraph from among soil-related specialized agencies may concurrently run the soil purification business. <Amended by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-6 (Revocation, etc. of Designation of Soil-Related Specialized Agency)

(1) In case where a soil-related specialized agency falls under any of the following subparagraphs, the Minister of Environment or the Mayor/Do Governor shall revoke the designation: <Amended by Act No. 11464, Jun. 1, 2012>

1. Where it has been designated by deception or other unlawful means;
2. Where it has come to fall under any of the subparagraphs of Article 23-3: Provided, That a person falling under subparagraph 5 of Article 23-3 from among executive officers of the corporation is replaced within 3 months, this shall not apply;
3. Where it has concurrently run the soil purification business in violation of Article 23-5.

(2) In case where a soil-related specialized agency falls under any of the following subparagraphs, the Minister of Environment or the Mayor/Do Governor may either revoke the designation or order the agency to suspend business with setting a period of six months or less: <Amended by Act No. 11464, Jun. 1, 2012>

1. Where it has failed to meet the designation standards under Article 23-2 (2);
 2. Where it has allowed others to conduct duties of the soil-related specialized agency by using its name or lent its certificate of designation to others in violation of Article 23-4;
 3. Where it has falsely or poorly prepared the results of inspection or assessment by intention or gross negligence;
 4. Where it poorly conducted the detailed soil survey under Article 11 (3), 14 (1) or 15 (1) by intention or gross negligence, reducing the scale of contaminated soil below the one subject to the verification of the purification process under the proviso to Article 15-6 (1);
 5. Where it has conducted duties relating to the inspection of soil contamination levels, leakage inspection, soil environment assessment, or hazard assessment during the period of disposition of business suspension;
 6. Where a person other than a technical expert falling under the requirements for designation of technological capabilities under Article 23-2 (2) has conducted a survey or assessment and notified of the result.
- (3) In case where a soil-related specialized agency falls under any of the following subparagraphs, the Minister of Environment or the Mayor/Do Governor may order the agency to suspend its duty with setting a period of six months or less: <Amended by Act No. 11464, Jun. 1, 2012>
1. Where it poorly conducted the verification of soil purification under Article 15-6, failing to treat the contaminated soil below the purification standards under Article 15-3 (1);
 2. Where it has failed to commence business within two years from the date of its designation (excluding the cases where it is deemed to have been designated as a soil contamination survey agency under the proviso to Article 23-2 (3)) or has no record of performance for not less than two consecutive years without any justifiable reason;
 3. Where it has failed to notify without delay the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu of the result of a detailed survey under Articles 11 (4), 14 (2) and 15 (2);
 4. Where it has presented an untruthful opinion concerning approval for exemption from the soil contamination inspection under Article 13 (2);
 5. Where it has failed to notify the results of the soil contamination inspection under Article 13 (4) to the Governor of the competent Special Self-Governing Province, the head of the competent Si/Gun/Gu and the head of competent fire station;
 6. Where it has violated the matters of observance of soil-related specialized agencies under Article 23-2 (5);
 7. Where it has failed to make report or to present data in violation of Article 26-2 (2), or has reported or presented data fraudulently.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-7 (Registration of Soil Purification Business, etc.)

- (1) Anyone who intends to run a soil purification business shall secure facilities (including facilities for purification of contaminated soil brought into the facilities in case where the purification works are to be conducted by shipping it out to other facilities under the proviso to Article 15-3 (3)), equipment, technical manpower, etc. that are prescribed by Presidential Decree to register his/her business with the Mayor/Do Governor. The same shall apply where he/she changes any matter prescribed by Presidential Decree from among those already registered. <Amended by Act No. 11464, Jun. 1, 2012>
- (2) The Mayor/Do Governor shall, when he/she makes the registration of a soil purification business, issue a registration certificate as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-8 (Grounds of Disqualification for Registration of Soil Purification Business)

The provision of Article 23-3 shall apply mutatis mutandis to anyone who intends to register his/her soil purification business pursuant to Article 23-7 (1). In this case, the "soil-related specialized agency" shall be deemed the "soil purification business" and the "designation" shall be deemed the "registration," respectively.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-9 (Matters to be Observed by Soil Purification Business Operators)

- (1) Every soil purification business operator shall be prohibited from letting any other person run the soil purification business by getting the latter to use his/her name or his/her firm name or from lending his/her registration certificate to any other person.

(2) Every soil purification business operator shall be prohibited from subcontracting in bulk his/her contracted work for the soil purification (hereinafter referred to as the "soil purification work") or the work directly connected to the soil purification that is prescribed by Presidential Decree from among the soil purification work: Provided, That this shall not apply if there exists a natural disaster or any other unavoidable ground prescribed by Presidential Decree.

(3) Other matters that soil purification business operators are required to observe other than those prescribed in paragraphs (1) and (2) when they run their soil purification business shall be prescribed by Ordinance of the Ministry of Environment.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-10 (Revocation, etc. of Registration of Soil Purification Business)

(1) In case where a soil purification business operator falls under any of the following subparagraphs, the Mayor/Do Governor shall revoke the registration: <Amended by Act No. 11464, Jun. 1, 2012>

1. Where he/she has registered by deception or other unlawful means;
2. Where he/she has come to fall under any of the subparagraphs of Article 23-3 which shall apply mutatis mutandis under Article 23-8: Provided, That a person falling under subparagraph 5 of Article 23-3 from among the executive officers of the corporation is replaced within 3 months, this shall not apply;
3. Where he/she conducted business activities during the period of business suspension.

(2) In case where a soil purification business operator falls under any of the following subparagraphs, the Mayor/Do Governor may either revoke the registration of the soil purification business operator or order him/her to suspend business with setting a period of not more than six months: <Amended by Act No. 11464, Jun. 1, 2012>

1. Where he/she has failed to conduct purification work in conformity with the standards and methods of purification under Article 15-3 (1);
2. Where he/she has conducted purification work after shipping the contaminated soil to a place other than the relevant land where the contamination has occurred or to a place other than the facilities owned by himself/herself in violation of Article 15-3 (3);
3. Where he/she has committed an act of lowering concentrations of contaminants by mixing the contaminated soil with other soil in violation of Article 15-3 (7) 1;
4. Where he/she has kept the contaminated soil in excess of the capacity of the registered facilities in violation of Article 15-3 (7) 2;
5. Where he/she has committed an act of dumping, reclaiming, leaking or discharging the contaminated soil in violation of Article 15-4;
6. Where he/she has shipped the contaminated soil to another place before the completion of verification by a soil-related specialized agency in violation of Article 15-6 (5);
7. Where he/she has fell short of the registration standards under Article 23-7 (1);
8. Where he/she has allowed other persons to conduct the duty of the soil purification business by using his/her name or lent his/her certificate of registration to other persons in violation of Article 23-9 (1);
9. Where he/she has subcontracted the soil purification work for which he/she has been contracted in violation of Article 23-9 (2).

(3) When a soil purification business operator has failed to commence his/her duty within two years from the date of registration or has no record of performance for not less than two consecutive years without any justifiable reasons, the Mayor/Do Governor may order him/her to suspend business with setting a period of six months or less. <Amended by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-11 (Uninterrupted Work of Soil Purification Business Operator Whose Business is Revoked or Suspended, etc.)

(1) Anyone who is subjected to the revocation of his/her registration or a disposition taken to suspend his/her business pursuant to Article 23-10 may conduct only the soil purification work for which the ground is broken prior to such disposition. In such cases, anyone who continues the soil purification work shall be deemed a soil purification business operator under this Act until the work is completed.

(2) Anyone subject to the revocation of his/her registration or a disposition taken to suspend his/her business pursuant to Article 23-10 shall notify without delay a person who places an order for the soil purification work and a subcontractor of details of such disposition.

(3) Anyone who awards or is awarded a contract of soil purification work to/from a soil purification business operator may terminate the work contract only within the limited period of 30 days from the date on

which he/she is informed pursuant to paragraph (2) by the relevant soil purification business operator or he/she learns of such fact unless extraordinary grounds exist.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-12 (Succession of Rights and Duties)

(1) Anyone falling under any of the following subparagraphs shall succeed the rights and duties accruing from the designation or registration of the person designated as a soil-related specialized agency under Article 23-2 or the person registered as a soil purification business operator under Article 23-7. In such case, if the inheritor falls under any grounds for disqualification under Article 23-3 or 23-8, he/she shall transfer his/her soil-related specialized agency or soil purification business to another person within the period of three months:

1. Where the person designated as a soil-related specialized agency or registered as a soil purification business operator is deceased, the inheritor;

2. Where the person designated as a soil-related specialized agency transfers his/her soil-related specialized agency or the person registered as soil purification business operator transfers his/her soil purification business, the transferee;

3. Where a corporation designated as a soil-related specialized agency or registered as a soil purification business operator is merged, the corporation which remains after or is established by such merger.

(2) Anyone who acquires a soil-related specialized agency or soil purification business through any procedure of the following subparagraphs shall succeed the rights and the duties accruing from the previous designation or the previous registration provided in this Act:

1. Auction under the Civil Execution Act;

2. Conversion under the Debtor Rehabilitation and Bankruptcy Act;

3. Sale of the seized property under the National Tax Collection Act, the Customs Act or the Framework Act on Local Taxes;

4. Procedures corresponding to any of the provisions of subparagraphs 1 through 3.

(3) Anyone who succeeds the status of the soil-related specialized agency or the soil purification business operator pursuant to paragraph (1) or (2) shall make a report thereon to the Minister of Environment or the Mayor/Do Governor within one month from the date on which he/she succeeds such status as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11464, Jun. 1, 2012>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-13 (Succession of Effect of Administrative Disposition)

Where anyone who obtains the designation of his/her soil-related specialized agency pursuant to Article 23-2 or anyone who registers his/her soil purification business pursuant to Article 23-7 deceases or transfers his/her soil-related specialized agency or his/her soil purification business or in case where a merger of corporation takes place, the transferee, the inheritor, the corporation that is newly incorporated after a merger or the surviving corporation shall succeed the effect of the administrative disposition taken to the previous soil-related specialized agency or the previous soil purification business operator on the grounds of violating each subparagraph of Article 23-6 or 23-10 for one year from the date on which the disposition period expires and when the procedures for the administrative disposition are underway, such procedures for the administrative disposition to the transferee, the inheritor, the corporation that is newly incorporated after a merger or the surviving corporation may continue: Provided, That the same shall not apply to a case where the transferee, the corporation that is newly incorporated after a merger or the surviving corporation verifies that he/she or it does not learn of the disposition or the fact of violation at the time when the acquisition by transfer or the merger takes place.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 23-14 (Training of Technical Manpower by Soil-Related Specialized Agencies, etc.)

(1) The technical manpower that works for any soil-related specialized agency and any soil purification business shall undergo training as prescribed by Ordinance of the Ministry of Environment.

(2) Anyone who employs persons liable to undergo the training referred to in paragraph (1) shall get them to undergo the training. In this case, expenses required for the training shall be borne by the employer.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

CHAPTER IV SUPPLEMENTARY PROVISIONS

Article 24 (Execution by Proxy)

Where any person subject to the soil contamination inspection under Article 13 (1) or any person given an order falling under any of the following subparagraphs fails to undergo such inspection or comply with such

order, the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may carry out the orders by proxy as prescribed by the Administrative Vicarious Execution Act, and collect the relevant expenses from the person who has violated the orders:

1. An order under Articles 11 (3) and 14 (1);
2. An order of detailed soil survey under Article 15 (1);
3. An order under Article 15 (3);
4. An order to execute the project for improving contaminated soil under Article 19 (1);
5. An order to eliminate the soil contaminants or to remove the facilities, etc. under Article 21 (3).

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 25 (Assistance from Relevant Organizations)

The Minister of Environment may request the head of the relevant central administrative agency or the Mayor/Do Governor to take the measures as prescribed by the following subparagraphs if he/she deems it necessary to achieve the purpose of this Act:

1. Cultivation of fertile agricultural soil such as bringing fertile soil from another place to prevent soil contamination, etc.;
2. Measures to prevent contamination of surrounding agricultural land on account of wastes and hazardous materials from abandoned mines;
3. Restoration of soil that is damaged by installation of industrial facilities, etc.;
4. Other matters which are prescribed by Ordinance of the Ministry of Environment as necessary for soil conservation.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26 (State Subsidy)

The State may subsidize or finance the soil conservation project that is promoted by a local government within the budget.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26-2 (Reports and Inspection, etc.)

(1) The Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu may, as prescribed by Ordinance of the Ministry of Environment, order the installer of the specified facilities subject to the control of soil contamination to furnish the data necessary for his/her supervision, and have public officials under his/her control enter the specified facilities subject to the control of soil contamination to inspect whether the facilities for preventing soil contamination are installed, the soil contamination inspection is conducted, its results are kept, etc.

(2) If deemed necessary, the Minister of Environment or the Mayor/Do Governor may request a soil-related specialized agency and a soil purification business operator to file reports or furnish the data necessary for his/her supervision, and have public officials under his/her control enter the office or business place of the soil-related specialized agency or the soil purification business operator, or other necessary places to inspect the documents, facilities, equipment, etc. <Amended by Act No. 11464, Jun. 1, 2012>

(3) The Mayor/Do Governor or the head of a Si/Gun/Gu may require the proprietor, occupant or operator of the land on which soil contamination has occurred or of the facilities subject to the control of soil contamination to submit necessary data, or have public officials belonging thereto enter the relevant land or facilities subject to the control of soil contamination and inspect the documents, the facilities, equipment, etc. <Newly Inserted by Act No. 12522, Mar. 24, 2014>

(4) Public officials conducting the inspections under paragraphs (1) through (3) shall carry an identification indicating their authority, and present it to the relevant persons. <Amended by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26-3 (Report on Current State of Specific Facilities Subject to Control of Soil Contamination, etc.)

(1) The head of a Si/Gun/Gu shall submit the material of the preceding year concerning the matters falling under each of the following subparagraphs to the Mayor/Do Governor by the end of January every year as prescribed by Ordinance of the Ministry of Environment:

1. The current state of the specified facilities subject to the control of soil contamination;
2. The result of the soil contamination inspection that is notified pursuant to Article 13 (4);
3. Details of the order given to take measures and the result of the survey provided in Article 14.

(2) The Mayor/Do Governor shall compile the material that is submitted pursuant to paragraph (1) and report such material to the Minister of Environment by the end of February every year.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26-4 (Standards for Administrative Disposition)

The detailed standards for the administrative disposition provided in Articles 23-6 and 23-10 shall be set by Ordinance of the Ministry of Environment, taking into account the categories of the act of violation and the extent of violation, etc.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 26-5 (Hearing)

The Minister of Environment, the Mayor/Do Governor or the head of a Si/Gun/Gu shall, if he/she intends to make dispositions falling under any of the following subparagraphs, conduct the hearing: <Amended by Act No. 11464, Jun. 1, 2012>

1. Order to withdraw facilities under Article 21 (3);
2. Revocation of designation of the soil-related specialized agency under Article 23-6;
3. Revocation of the registration of the soil purification business provided in Article 23-10.

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 27 (Delegation and Entrustment of Authority)

(1) The authority of the Minister of Environment prescribed by this Act may be delegated in part to the heads of agencies under his/her control, as prescribed by Presidential Decree.

(2) The Minister of Environment may entrust part of his/her duties vested under this Act to the Korea Environment Corporation and the Korea Environmental Industry and Technology Institute in accordance with the Korea Environment Corporation Act, as prescribed by Presidential Decree. <Newly Inserted by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

CHAPTER V PENALTY PROVISIONS

Article 28 (Penalty Provisions)

Anyone who fails to carry out an execution order pursuant to Article 19 (1) or a person who implements a project for improving soil contamination without obtaining the approval pursuant to Article 19 (2) shall be punished by imprisonment with labor for not more than five years or a fine not exceeding 50 million won. <Amended by Act No. 12522, Mar. 24, 2014>

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 29 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years or by a fine not exceeding 20 million won: <Amended by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

1. A person who has failed to execute an order given to take measures to purify contaminated soil under Article 11 (3) or 14 (1);
2. A person who has failed to execute an order issued to suspend the use of the specified facilities subject to the control of soil contamination under Article 14 (3);
3. A person who has failed to execute an order issued under Article 15 (3);
4. A person who has commissioned purification of the contaminated soil in violation of Article 15-3 (2);
5. A person who has dumped or reclaimed any contaminated soil in violation of subparagraph 1 of Article 15-4;
6. A person who has failed to execute an order to eliminate soil contaminants or withdraw facilities, etc. under Article 21 (3);
7. A person who performs the work of the soil-related specialized agency without obtaining designation required under Article 23-2 (2);
8. A person who runs the soil purification business without having his/her business registered pursuant to Article 23-7 (1).

[This Article Wholly Amended by Act No. 10551, Apr. 5, 2011]

Article 30 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with prison labor for not more than one year or by a fine not exceeding 10 million won: <Amended by Act No. 10314, May 25, 2010; Act No. 10551, Apr. 5, 2011; Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

1. A person who conducts an assessment of soil environment as differently from the actual state not conforming to the items, methods and procedures under Article 10-2 (3) by intention or gross negligence;

- 1-2. A person who fails to make a report, in violation of Article 11 (1), on the fact that soil contaminants have been leaked or discharged in the course of production, transportation, storage, handling, processing or disposal;
- 1-3. A person who manipulates the contamination level to be less than the scale subject to verification of the purification process pursuant to the proviso to Article 15-6 (1) by flimsily conducting the detailed soil survey under Article 11 (3), 14 (1) or 15 (1) by intention or gross negligence;
2. A person who installs specified facilities subject to the control of soil contamination without making a report thereon under the former part of Article 12 (1) or has made a false report thereon;
3. A person who fails to install the facilities for preventing soil contamination in violation of Article 12 (3);
4. A person who fails to execute an order to install or improve the facilities for preventing soil contamination pursuant to Article 14 (1);
5. A person who purifies any contaminated soil in violation of Article 15-3 (1);
6. A person who ships out any contaminated soil to a place that is neither a site where the soil is contaminated nor a site of the facilities owned by any soil purification business operator for the purpose of purifying such contaminated soil in violation of Article 15-3 (3);
7. A person who lowers concentrations of contaminants by mixing the contaminated soil with other soil in violation of Article 15-3 (7) 1;
8. A person who discharges or leaks any contaminated soil in violation of subparagraph 2 of Article 15-4;
- 8-2. A person who uses the soil, the purification of which is complete in an area where a stricter criteria is applied to its soil than the criteria applied to the purified soil in violation of subparagraph 3 of Article 15-4;
9. A person who fails to order the soil-related specialized agency to perform the verification in violation of Article 15-6 (1);
10. A person who fails to comply with procedures, details and methods of the verification under Article 15-6 (4) by intention or gross negligence, obstructing the contaminated soil to be treated within the purification standards under Article 15-3 (1);
11. A person who ships contaminated soil to other facilities when the verification by the soil-related specialized agency is not completed in violation of Article 15-6 (5);
12. A person who has installed any facilities in areas requiring countermeasures in violation of Article 21 (2);
13. A person who obtains designation of a soil-related specialized agency or register his/her soil purification business by fraudulent and illegal means;
14. A person who allows any other person to perform the work of the soil-related specialized agency under his/her name or who lends his/her written designation to any other person in violation of Article 23-4;
15. A person who allows any other person to run the soil purification business under his/her name or trade name or who lends his/her registration certificate to any other person in violation of Article 23-9 (1);
16. A person who subcontracts contracted soil purification work in violation of Article 23-9 (2);
17. A person who refuses, obstructs, or evades the entry and inspection by public officials under Article 26-2 (2).

[This Article Wholly Amended by Act No. 7291, Dec. 31, 2004]

Article 31 (Joint Penalty Provisions)

When the representative of a corporation, or an agent, employee, or other servant of a corporation or individual commits an offence under Articles 28 through 30 in relation to the business of such corporation or individual, not only shall such violator be punished, but the corporation or the individual shall also be punished by a fine under the relevant provisions: Provided, That this shall not apply where the corporation or the individual has not neglected to pay due attention and supervision concerning the relevant business in order to prevent such violation.

[This Article Wholly Amended by Act No. 10314, May 25, 2010]

Article 32 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 11464, Jun. 1, 2012; Act No. 12522, Mar. 24, 2014>

1. A person who finds out the fact that the soil has been contaminated but fails to report such fact in violation of Article 11 (1);
2. A person who fails to submit the soil transfer form or enter information in the form into the contaminated soil information system in violation of Article 15-3 (6);

3. A person who refuses, obstructs or avoids the entry and inspection by a public official under Article 26-2 (1) or (3);
- (2) Any of the following persons shall be punished by an administrative fine not exceeding two million won: <Amended by Act No. 11464, Jun. 1, 2012>
1. A person who obstructs or rejects activities of the relevant public officials or staff of a soil-related specialized agency pursuant to Article 8 (5) without any justifiable grounds;
2. A person who fails to execute an order to conduct the detailed soil survey pursuant to Article 11 (3), 14 (1) or 15 (1);
3. A person who fails to promptly inform the Mayor/Do Governor or the head of a Si/Gun/Gu of the results of the detailed soil survey in violation of Article 11 (4), 14 (2) or 15 (2);
4. A person who fails to report amendments (including closedown of facilities) in violation of the latter part of Article 12 (1);
5. A person who has failed to undergo the inspection or to keep the results of the inspection pursuant to Article 13 (1) or (4);
- 5-2. A person who fails to report the results of the soil contamination inspection to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu and the head of the competent fire station in violation of Article 13 (4);
- 5-3. A person who ships out and purifies the contaminated soil without receiving notification of appropriateness on a contaminated soil ship-out and purification plan in violation of Article 15-3 (4);
- 5-4. A person who submits or fills out the soil transfer form under Article 15-3 (6) falsely or poorly;
6. A person who fails to submit a plan for purifying the contaminated soil or the amended plan for purifying the contaminated soil pursuant to Article 15-6 (2);
7. A person who refuses, obstructs or evades the guidance and supervision pursuant to Article 19 (1);
8. A person who dumps specific substances harmful to water quality, wastes, toxic chemicals, sewage, excreta or livestock excreta in the area requiring countermeasures in violation of Article 21 (1);
9. A person who fails to obtain the changed designation pursuant to the latter part of Article 23-2 (2);
10. A person who fails to observe matters pursuant to Articles 23-2 (5) and 23-9 (3);
11. A person who fails to register the changed matters pursuant to the latter part of Article 23-7 (1);
- 11-2. A person who fails to file a report in violation of Article 23-12 (3);
12. A person who fails to receiving training or who prevents another person from receiving training in violation of Article 23-14 (1) or (2);
13. A person who fails to make a report or submit materials or has made a false report or submitted false materials in violation of Article 26-2 (1) or (2).
- (3) The Minister of Environment, the Mayor/Do Governor, or the head of a Si/Gun/Gu shall impose and collect administrative fines under paragraphs (1) and (2), as prescribed by Presidential Decree.
- [This Article Wholly Amended by Act No. 10314, May 25, 2010]

ADDENDA

- (1) (Enforcement Date) This Act shall enter into force one year following the date of its promulgation.
- (2) (Transitional Measures concerning Installer of Facilities Inducing Soil Contamination) The person who is in the process of installing the facilities inducing soil contamination (including those who operates such the facilities) at the time of the enforcement of this Act, shall make a report to the Mayor/Do Governor with respect to the matters as prescribed in Article 11 (1), and take preventive measures against soil contamination as prescribed in Article 11 (2), within six months after the enforcement date of this Act.

ADDENDUM <Act No. 5454, Dec. 13, 1997>

This Act shall enter into force on January 1, 1998. (Proviso Omitted.)

ADDENDUM <Act No. 5878, Feb. 8, 1999>

This Act shall enter into force on the date of its promulgation.

ADDENDA <Act No. 6452, Mar. 28, 2001>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2002.

Article 2 (Transitional Measures for Result of Regular Measuring)

The result of regular measuring of the measurement networks installed by the Mayor/Do Governor under the previous provisions at the time of enforcement of this Act shall be deemed to be the result of investigation of actual conditions of soil contamination under the amendments to Article 5 (2).

Article 3 (Transitional Measures for Facilities Inducing Soil Contamination)

Activities of reports, etc. filed with the Mayor/Do Governor and activities of corrective orders, etc. by the Mayor/Do Governor in connection with the facilities inducing soil contamination under the previous provisions at the time of enforcement of this Act shall be deemed to be activities against the Mayor/Do Governor or activities by the Mayor/Do Governor in connection with the facilities inducing a specific soil contamination under this Act.

Article 4 (Transitional Measures for Soil-Related Specialized Agency)

The soil-related specialized agency under the previous provisions at the time of enforcement of this Act shall be deemed to be the soil-related specialized agency designated under the amendments to Article 23-2.

Article 5 (Transitional Measures for Penalty Provisions)

In applying penalty provisions to activities committed prior to the enforcement of this Act, the previous provisions shall govern.

Article 6 Omitted.

ADDENDA <Act No. 6627, Jan. 26, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Articles 2 through 7 Omitted.

ADDENDA <Act No. 6656, Feb. 4, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2003.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 6846, Dec. 30, 2002>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 6893, May 29, 2003>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7291, Dec. 31, 2004>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 15-3 (2) and (3), 15-6, 23-2 (1) 1 (d) and (e) and 23-14 shall enter into force one year after the date of its promulgation.

Article 2 (Applicability concerning Soil Purification Work)

The amended provisions of Article 15-3 (2), Article 15-6 and Article 23-9 (2) shall apply to the soil purification work that is performed on and after the enforcement of this Act.

Article 3 (Applicability concerning Administrative Disposition Taken to Soil-Related Specialized Agency)

In taking an administrative disposition provided in the amended provisions of subparagraph 7 of Article 23-6 to anyone who is designated as the soil-related specialized agency at the time of the enforcement of this Act, the date on which its business commences shall be deemed the date on which this Act enters into force.

Article 4 (Transitional Measures concerning Areas Requiring Countermeasures)

The development and implementation of any countermeasure plan, restrictions on the use of lands, etc. and restrictions on any act for and in the area that is designated as an area requiring countermeasures pursuant to the previous provisions at the time of the enforcement of this Act shall be governed by the previous provisions, notwithstanding the amended provisions of Articles 18, 20 and 21.

Article 5 (Transitional Measures concerning Ground of Disqualification of Soil-Related Specialized Agency)

The amended provisions of subparagraph 4 or 5 of Article 23-3 shall not apply to anyone who is designated as the soil-related specialized agency at the time of the enforcement of this Act for 2 years from the date on which this Act enters into force.

Article 6 (Transitional Measures concerning Registration of Soil Purification Business)

Anyone who runs the soil purification business at the time of the enforcement of this Act shall have his/her business registered with the Minister of Environment within 3 months from the date on which this Act enters into force in accordance with the amended provisions of Article 23-7.

Article 7 Omitted.

ADDENDA <Act No. 7428, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 7459, Mar. 31, 2005>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 6 Omitted.

ADDENDA <Act No. 8010, Sep. 27, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 9 Omitted.

ADDENDA <Act No. 8014, Sep. 27, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8038, Oct. 4, 2006>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 11 Omitted.

ADDENDA <Act No. 8352, Apr. 11, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 through 16 Omitted.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDUM <Act No. 8469, May 17, 2007>

This Act shall enter into force six months after the date of its promulgation.

ADDENDA <Act No. 10219, Mar. 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 10314, May 25, 2010>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation.

(2) (Transitional Measures) The previous penalty provisions shall apply to the acts committed before this Act enters into force.

ADDENDA <Act No. 10551, Apr. 5, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force from the date on which six months lapse after the promulgation of this Act.

Article 2 (Applicability concerning Revocation of Registration)

The amended provisions of Article 23-10 shall apply from the revocation of registration or the case where grounds for suspension of business take place for the first time after the enforcement of this Act.

Article 3 (Transitional Measures concerning Designation of Soil Environment Assessment Agency)

Any person who is designated as a soil contamination survey agency pursuant to the previous provisions of Article 23-2 (1) 1 at the time this Act enters into force may perform business of the agent to assess soil environment pursuant to the amended provisions of Article 23-2 (1) 3: Provided, That he/she shall obtain designation of the soil environment assessment agency within one year after the enforcement of this Act, meeting the requirements of facilities, equipment, and technical capability pursuant to the part other than each subparagraph of Article 23-2 (1).

ADDENDA <Act No. 11461, Jun. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Articles 2 through 10 Omitted.

ADDENDA <Act No. 11464, Jun. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 (Applicability concerning Ship-Out and Purification of Contaminated Soil)

The amended provisions of Article 15-3 shall apply to a person who purifies contaminated soil by shipping it to other facilities on and after the enforcement of this Act.

Article 3 (General Transitional Measures concerning Dispositions, etc.)

Any act of, or toward, an administrative agency pursuant to the previous provisions at the time this Act enters into force shall be deemed an act of, or toward, an administrative agency pursuant to the corresponding provisions of this Act.

Article 4 (Transitional Measures concerning Change of Person Having Authority to Designate Soil Contamination Survey Agencies and Leakage Inspection Agencies)

Any person who has been designated as a soil contamination survey agency or a leakage inspection agency pursuant to the previous provisions of this Act at the time of this Act enters into force shall be deemed to have been designated by the Mayor/Do Governor pursuant to the amended provisions of Article 23-2 (2).

Article 5 (Transitional Measures concerning Change of Authority for Registration of Soil Purification Business)

Any person whose soil purification business has been registered pursuant to the previous provisions of this Act at the time of this Act enters into force shall be deemed that his/her soil purification business has been registered with the Mayor/Do Governor pursuant to the amended provisions of Article 23-7.

ADDENDA <Act No. 11862, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015.

Articles 2 through 12 Omitted.

ADDENDUM <Act No. 12522, Mar. 24, 2014>

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Articles 28 through 30 shall enter into force on the date of its promulgation.

ADDENDA <Act No. 13169, Feb. 3, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Disqualifications of an Incompetent, etc.)

A person under adult guardianship or a person under limited guardianship prescribed in the amended provisions of Subparagraph 1 of Article 23-3 shall be deemed to have included a person for whom the effect of the sentence of incompetence or quasi-incompetence is maintained as provided for in Article 2 of the Addenda of a partial amended Act No. 10429 of the Civil Act.

ADDENDUM <Act No. 13533, Dec. 1, 2015>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 12-2 shall enter into force six months after its promulgation.

Annex 582

Federal Law on Environmental Protection, No. 7-FZ, 10 January 2002

Federal Law on Environmental Protection No. 7-FZ of January 10, 2002

Adopted by the State Duma December 20, 2001

Approved by the Federation Council December 26, 2001

Chapter I. General Provisions (Articles 1-4)

Chapter II. The Fundamentals of Environmental Protection Administration (Articles 5-10)

Chapter III. The Rights and Duties of Citizens, Public and Other Non-Commercial Associations in the Field of Environmental Protection (Articles 11-13)

Chapter IV. Economic Regulation in the Field of Environmental Protection (Articles 14-18)

Chapter V. Setting Norms in the Field of Environmental Protection (Articles 19-31)

Chapter VI. Assessment of Effects on the Environment and Ecological Expert Examination (Articles 32-33)

Chapter VII. The Environmental Protection Provisions Applicable in the Case of Pursuance of Economic and Other Activities (Articles 34-56)

Chapter VIII. Ecological Disaster Zones, Emergency Situation Zones (Article 57)

Chapter IX. The Natural Facilities under Special Protection (Articles 58-62)

Chapter X. The State Environmental Monitoring (State Ecological Monitoring) (Article 63)

Chapter XI. Control in the Field of Environmental Protection (Ecological Control) (Articles 64-69)

Chapter XII. Scientific Research in the Field of Environmental Protection (Article 70)

Chapter XIII. The Fundamentals of Shaping Up an Ecological Culture (Articles 71-74)

Chapter XIV. Liabilities for a Breach of Environmental Protection Legislation and Settlement of Disputes in the Field of Environmental Protection (Articles 75-80)

Chapter XV. International Co-Operation in the Field of Environmental Protection (81-82)

Chapter XVI. Conclusive Provisions (83-84)

In accordance with the Constitution of the Russian Federation everybody has a right to a favourable environment, everybody shall preserve the nature and the environment, carefully deal with the natural wealth being a basis for the sustainable development, life and activities of the peoples inhabiting the territory of the Russian Federation.

The present Federal Law lays down a legal foundation for the state policy in the field of environmental protection as ensuring a balanced solution for socio-economic tasks, preservation of a favourable environment, biological diversity and natural resources for the purpose of meeting the needs of the present and future generations, enhancing law and order in

the field of environmental protection as well as ecological safety.

The present Federal Law governs relations in the field of interaction of the society and the nature occurring in economic and other activities affecting the natural environment as a most important component of the environment as a whole being the foundation of life on the Earth, within the territory of the Russian Federation and on the continental shelf and in the exclusive economic zone of the Russian Federation.

Chapter I. General Provisions

Article 1. Basic Terms

The following basic terms are used in the present Federal Law:

"the environment" is an aggregate of components of natural environment, natural and natural - man - made facilities and also man - made facilities;

"natural environment (hereinafter also referred to as "the nature")" is an aggregate of components of natural environment, natural and natural - man - made facilities;

"components of natural environment" is the ground, sub-soil, soils, surface and underground waters, atmospheric air, vegetation, animal world and other organisms as also the atmospheric ozone layer and the outer space adjacent to the Earth ensuring, in their aggregate, favourable conditions for the pursuance of life on the Earth;

"natural facility" is a natural ecological system, natural landscape and the components thereof that retain their natural properties;

"natural-man-made facility" is a natural facility that has been modified as the result of economic and other activity and/or a man made facility having the properties of a natural facility and having recreational or preservation significance;

"man-made facility" is a facility created by the man for the purpose of catering to the man's social needs and not having the properties of a natural facility;

"natural ecological system" is an objectively existing portion of the natural environment that has space/territorial boundaries and where live (plants, animals and other organisms) and non-live components interact as a single functional entity and are inter-related by means of exchange of substances and energy;

"natural complex" is a complex of functionally and naturally

inter-related natural facilities put together with regard to geographical and other relevant features;

"natural landscape" is a territory that has not undergone modification as a result of economic and other activity and which is characterized by a combination of specific types of terrain, soil, vegetation that have shaped up in uniform climatic conditions;

"environmental protection" is the activity of governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies, public and other non-commercial associations, legal entities and natural persons aimed at preserving and restoring natural environment, rational use and reproduction of natural resources, prevention of a negative effect of economic and other activities on the environment and elimination of the consequences of such effects (hereinafter also referred to as "natural environment preservation activity");

"the quality of the environment" is the condition of the environment characterized by physical, chemical, biological and other indicators and/or combination thereof;

"favourable environment" is an environment the quality of which ensures a stable operation of natural ecological systems, natural and natural-man made facilities;

"negative effect on the environment" is an effect of economic and other activity the consequences of which lead to a negative change in the quality of the environment;

"natural resources" means natural environment components, natural facilities and natural - man - made facilities which are or can be used in economic and other activity as sources of energy, production products and consumption items and have a consumer value;

"the use of natural resources" is exploitation of natural resources, involvement of such resources in economic relations, in particular, all types of effect exerted thereon in the course of economic and other activities;

"environmental pollution" is the putting of a substance and/or energy into the environment when the properties, location or quantity of the substance cause a negative effect on the environment;

"pollutant" is a substance or a compound the quantity and/or

concentration of which exceed the rates set for chemical substances, in particular, radioactive ones, other substances and micro-organisms and exert a negative effect on the environment;

"environmental norms" (hereinafter also referred to as "natural preservation norms") is established norms of the quantity of the environment and admissible effects thereon the observance of which ensures a stable operation of natural ecological systems and preservation of biodiversity;

"environment quality norms" is norms established in compliance with physical, chemical, biological and other indicators for the purpose of assessing the condition of the environment and the observance whereof ensures a favourable environment;

"norms of admissible effects on the environment" means norms established in compliance with the indicators of effects exerted by economic and other activities on the environment and the observance of which ensures the observance of the environment quality norms;

"norms of admissible man - made load on the environment" means norms established in compliance with the value of admissible aggregate effect of all sources on the environment and/or specific components of natural environment within specific territories and/or water areas the observance of which ensures a stable operation natural ecological systems and preservation of biological diversity;

"norms of admissible emission and dumping of chemical substances, in particular, radioactive, other substances and micro-organisms" (hereinafter referred also as "norms of admissible substance and micro-organism emission and dumping") means norms established for agents pursuing economic and other activity, in compliance with the weight of chemical substances, in particular, radioactive, other substances and micro-organisms admissible for getting into the environment from stationary, movable and other sources in a specific operating mode and with due regard to the technological norms and the observance of which ensures the observance of environmental quality norms;

"technological norm" is a norm of admissible emission or dumping of substances and micro-organisms that is set for stationary, movable and other sources, technological processes, equipment and reflect the admissible weight of emissions and dumping of

substances and micro-organisms into the environment per unit of output product;

"norms of maximum admissible concentration of chemical substances, in particular, radioactive, other substances and micro-organisms" (hereinafter also referred to as "maximum admissible concentration norms") means norms established in compliance with the indicators of maximum admissible content of chemical substances, in particular, radioactive, other substances and micro-organisms in the environment the non-observance of which can lead to environmental pollution, degradation of natural ecological systems;

"norms of admissible physical effects" means norms established in compliance with the levels of admissible effects of physical factors on the environment and the observance of which ensures the observance of environment quality norms;

"maximum limits on pollutant and micro-organism emissions and dumping" (hereinafter also referred to as "maximum emission and dumping limits") means limits on the emission and dumping of pollutants and micro-organisms into the environment set for the term of environmental protection measures, in particular introduction of the best available technologies, for the purpose of achieving norms in the field of environmental protection;

"assessment of effects on the environment" is a type of the activity of discovering, analysing and recording direct, indirect and other consequences to the environment caused by planned economic and other activities, for the purposes of making a decision as to the possibility/impossibility of their pursuance;

"environmental monitoring (ecological monitoring)" is a comprehensive system of observing the condition of the environment, assessing and forecasting the changes in the condition of the environment due to the effect of natural and man-made factors;

"state environmental monitoring (state ecological monitoring)" is the environmental monitoring performed by the governmental bodies of the Russian Federation and the governmental bodies of the regions;

"environmental control (ecological control)" is a system of measures aimed at preventing, discovering and stopping breaches of environmental protection law, ensuring the observance of

standards, in particular, norms and regulatory documents in the field of environmental protection by economic and other agents;

"environmental protection standards" (hereinafter also referred to as "nature preservation standards") means the compulsory conditions, limitations or a combination thereof established by laws, other regulatory legal acts, nature preservation norms, state standards and other regulatory environmental protection documents as applicable to economic and other activities;

"ecological audit" is an independent, comprehensive, documented assessment of observance of environmental protection standards, in particular, norms and regulatory documents, the provisions of international standards and preparation of recommendations for improvement of such activities;

"the best existing technology" is a technology based on the latest science and technology achievements aimed at reducing negative effects on the environment which has an established practical application term with due regard to economic and social factors;

"harm to the environment" is a negative change in the environment resulting from a pollution thereof that has ensued a degradation of natural ecological systems and depletion of natural resources;

"ecological risk" is the probability of onset of an event having a negative effect on the natural environment and caused by a negative effect of economic and other activities, natural and man made emergencies;

"ecological safety" is a condition when the natural environment and the vital interests of the human being are safeguarded against a possible negative effect of economic and other activities, natural and man-made emergencies as well as their aftermath.

Article 2. Environmental Protection Legislation

1. Environmental protection legislation is based on the Constitution of the Russian Federation and its is composed of the present Federal Law, the other federal laws and also other regulatory acts of the Russian Federation, laws and other regulatory legal acts of Russian regions adopted pursuant thereto.
2. The present Federal Law is effective throughout the whole

territory of the Russian Federation.

3. The present Federal Law is effective on the continental shelf and in the exclusive economic zone of the Russian Federation in keeping with the norms of international law and federal laws and it is aimed at preserving the sea environment.

4. The relations emerging in the field of environmental protection as the basis of life and activity of the peoples inhabiting the territory of the Russian Federation, for the purpose of ensuring their right to a favourable environment shall be governed by the international treaties of the Russian Federation, the present Federal Law, other federal laws and other regulatory legal acts of the Russian Federation, laws and other regulatory legal acts of Russian regions.

5. The relations emerging in the field of protection and rational use of natural resources, their preservation and restoration shall be governed by the international treaties of the Russian Federation, the land, water, forestry legislation, the legislation on sub-soil, animal world, other legislation in the field of environmental protection and use of natural wealth.

6. The relations emerging in the field of environmental protection, to the extent it is required for the purposes of ensuring the sanitary and epidemiological well being of the public shall be governed by the legislation on the sanitary and epidemiological well being of the public and the legislation on health protection, other legislation aimed at ensuring an environment favourable for the human being.

Article 3. The Basic Principles of Environmental Protection

The economic and other activities of the governmental bodies of the Russian Federation, the governmental bodies of Russian regions, local government bodies, legal entities and natural persons that exert effects on the environment shall be pursued on the basis of the below principles:

- the observance of the human right to a favourable environment;
- the provision of favourable conditions for the activities of the human being;
- a science based combination of ecological, economic and social interests of the human being, the society and the state for the purpose of ensuring a sustained development and a favourable environment;

- the protection, reproduction and rational use of natural resources as prerequisites for ensuring a favourable environment and ecological safety;
- the responsibility of the governmental bodies of the Russian Federation, the governmental bodies of Russian regions, local government bodies for the provision of a favourable environment and ecological safety on relevant territories;
- the use of natural wealth for a pay and the reimbursement of a harm inflicted to the environment;
- the independence of environmental protection control;
- the presumption of ecological threat of a planned economic and other activities;
- the compulsory nature of assessment of effects on the environment in case when decisions are made as to the pursuance of an economic or other activity;
- the compulsory nature of the state ecological expert examination of project designs and other documentation stating feasibility of an economic and other activity capable of exerting a negative effect on the environment, creating a threat to citizens' life, health and property;
- the keeping of record of territories' natural and socio-economic peculiarities in the planning and pursuance of economic and other activities;
- the priority of preservation of natural ecological systems, natural landscapes and natural complexes;
- the admissible extent of effects on the natural environment of economic and other activities from the perspective of environmental protection standards;
- arrangement for a reduction of the negative effect of an economic or another activity on the environment in keeping with environmental protection norms, through the use of the best existing technologies with due regard to economic and social factors;
- the compulsory nature of the participation in environmental protection of the governmental bodies of the Russian Federation, the governmental bodies of Russian regions, local government bodies, public and other non-commercial associations, legal entities and natural persons;
- the preservation of biological diversity;
- arrangement for the pursuance of integrated and individual

approaches to the setting of the environmental protection standards applicable to economic and other agents pursuing economic or other activities or planning to pursue them;

- the prohibition of an economic and another activity the environmental consequences of which cannot be predicted and of the implementation of a project capable of leading to a degradation of natural ecological systems, a change in and/or destruction of the genetic stock of plants, animals and other organisms, depletion of natural resources and other negative changes in the environment;
- the observance of everybody's right of access to reliable information on the condition of the environment and also the participation of citizens in the decision making concerning their right to a favourable environment, in compliance with law;
- responsibility for a breach of the environmental protection legislation;
- the organization and development of a system of ecological education, the fostering and shaping up of an ecological culture;
- the participation of citizens, public and other non-commercial associations in the resolution of environmental protection problems;
- the international co-operation of the Russian Federation in the field of environmental protection.

Article 4. Environmental Protection Facilities

1. The facilities being the subject matter of environmental protection against pollution, depletion, degradation, damage, destruction and other negative effects resulting from economic and another activity are as follows:

- ground, sub-soil, soil;
- surface and underground waters;
- forests and other vegetation, animals and other organisms and the genetic stock thereof;
- the atmospheric air, the atmosphere ozone layer and the outer space adjacent to the Earth.

2. The following shall be subject to priority protection: the natural ecological systems, natural landscapes and natural complexes which have not been exposed to man-made effects.

3. The following shall be subject to special protection: the

facilities included in the List of the World Cultural Heritage and the List of the World Nature Heritage, state natural sanctuaries, in particular, biosphere, state natural game reserves, nature monuments, national, natural and dendrological parks, botanical gardens, health rehabilitation areas and health resorts, other natural complexes, the original inhabited environment and the areas of traditional habitation and economic activity of small-numbered indigenous peoples of the Russian Federation, the facilities of special nature preservation, scientific, history/culture, aesthetic, recreational, health rehabilitation and other valuable significance, the continental shelf and the exclusive economic zone of the Russian Federation and also the rare or extinction-threatened soils, forests and other vegetation, animals and other organisms and their habitats.

On health rehabilitation areas and health resorts see also:

Federal Law No. 33-FZ of March 14, 1995,

federal Law No. 26-FZ of February 23, 1995

Chapter II. The Fundamentals of Environmental Protection Administration

Article 5. The Powers of Governmental Bodies of the Russian Federation in the Field of Relations Connected with Environmental Protection

Below are the powers of the governmental bodies of the Russian Federation in the field of relations connected with environmental protection:

- arranging for the pursuance of federal policy in the sphere of ecological development of other Russian Federation;
- elaborating and publishing federal laws and other regulatory legal acts in the field of environmental protection and control over the implementation thereof;
- elaborating, approving and bringing about the implementation of federal programs in the field of ecological development of the Russian Federation;
- announcing and establishing the legal status and regime of ecological disaster zones on the territory of the Russian Federation;
- co-ordinating and implementing environmental protection measures in ecological disaster zones;

- establishing a procedure for performance of state environmental monitoring (state ecological monitoring), forming a state system for observation over the condition of the environment and keeping this system operational;
- establishing a procedure for exercising state control in the field of environmental protection, in particular, at economic and other activity facilities, irrespective of their form of ownership, under the administration of the Russian Federation, facilities contributing to trans border environmental pollution and exerting negative effects on the environment within the territories of two and more Russian regions (federal state ecological control);
- designating the federal executive bodies responsible for state administration in environmental protection sphere;
- arranging for the protection of the environment, in particular, of sea environment on the continental shelf and in the exclusive economic zone of the Russian Federation;
- establishing a procedure for handling radioactive waste and hazardous material, exercising control over radioactive safety;
- preparing and distributing the annual state report on environmental condition and environmental protection;
- setting standards in the field of environmental protection, developing and approving environmental protection norms, state standards and other regulatory documents;
- establishing a procedure for determining the rate of payment for pollutant emissions and dumping into the environment, waste disposal and other types of negative effect on the environment;
- organizing and conducting state ecological expert examination;
- interaction with Russian regions on the matters of environmental protection;
- establishing a procedure for limiting, suspending and prohibiting economic and other activities pursued in breach of environmental protection legislation, and implementing them;
- suing for damages in the case of infliction of harm to the environment as a result of a breach of the environmental protection legislation;
- organizing and developing the ecological education system, shaping up the ecological culture providing the public with reliable information on the state of the environment;
- forming specially protected natural territories of federal

significance, world heritage nature facilities, managing the nature sanctuaries stock, keeping the Red Book of the Russian Federation;

- keeping state records of facilities exerting negative effects on the environment, classifying them depending on the level and scope of negative effect on the environment;
- keeping state records of specially protected nature territories, in particular, nature complexes and facilities as well as natural resources with due regard of their ecological significance;
- performing an economic assessment of the effects of economic and other activities on the environment;
- performing an economic assessment of nature and nature man made facilities; establishing a procedure for licensing specific types of activity in the field of environmental protection and implementing it;
- carrying on the international co-operation of the Russian Federation in the field of environmental protection;
- exercising the other powers specified in federal laws and other regulatory legal acts of the Russian Federation.

Article 6. The Powers of Governmental Bodies of Russian Regions in the Sphere of Relations Connected with Environmental Protection

Below are the powers of governmental bodies of Russian regions in the sphere of relations connected with environmental protection:

- setting out the main guidelines for environmental protection on the territories of Russian regions with due regard to geographical, natural, socio-economic and other peculiarities of the regions;
- participating in the elaboration of federal policy in the field of ecological development of the Russian Federation and relevant programs;
- implementing the federal policy in the field of ecological development of the Russian Federation on the territories of Russian regions with due regard to their geographical, natural, socio-economic and other peculiarities;
- elaborating and enacting laws and other regulatory legal acts of Russian regions in the field of environmental protection with

due regard to the geographical, natural, socio- economic and other peculiarities of the Russian regions; monitoring the implementation;

- elaborating and approving environmental protection norms, state standards and other regulatory documents containing specific provisions, regulations and rules not below those set at the federal level;
- elaborating, approving and implementing environmental protection target programs for Russian regions;
- taking nature preservation and other measures for improvement of environmental conditions in ecological disaster zones on the territories of Russian regions;
- organizing and implementing, in the manner established by Russian law, a state environmental monitoring (state ecological monitoring), forming and arranging for the operation of territorial environmental observation systems on the territories of Russian regions;
- exercising state control in the field of environmental protection (state ecological control) over the economic and other agents, irrespective of their forms of ownership, located on the territories of Russian regions, except for economic and other agents subject to federal state ecological control;
- performing an economic assessment of the effects of economic and other activities on the environment;
- holding persons at fault accountable under administrative and other law;
- suing for damages relating to a harm inflicted to the environment as a result of a breach of the environmental protection legislation;
- forming specially protected natural territories of regional significance, exercising administration and control in the field of protection and use of such territories;
- organizing and developing an ecological education system and shaping up ecological culture on the territories of Russian regions;
- limiting, suspending and/or prohibiting economic and other activities performed in breach of the environmental protection legislation, within the scope of their powers on the territories of Russian regions;
- providing the public with reliable information on

environmental conditions on the territories of Russian regions;

- keeping record of facilities and sources of negative effects on the environment on the territories of Russian regions;
- keeping the Red Book of a Russian region; carrying on ecological certification;
- regulating other issues in the field of environment protection within the scope of their powers.

Article 7. The Powers of Local Government Bodies in the Field of Relations Connected with Environmental Protection

The powers of local government bodies in the field of relations connected with environmental protection shall be determined in compliance with federal laws.

Article 8. The Executive Governmental Bodies Responsible for State Administration in the Field of Environmental Protection

1. State administration in the field of environmental protection shall be performed by the federal executive governmental bodies authorized in the manner established by the Constitution of the Russian Federation and the Federal Constitutional Law on the Government of the Russian Federation.
2. The governmental bodies of Russian regions responsible for state administration in the field of environmental protection shall be designated by the Russian regions.

On the specifically-authorized state bodies of the Russian Federation in the field of environmental protection see Decision of the Government of the Russian Federation No. 1594 of December 30, 1998

See Regulations on the Co-Ordination Council of Specifically Authorized State Bodies of the Russian Federation in the Field of Environmental Protection endorsed by Order of the State Ecological Committee of the Russian Federation No. 338 of May 12, 2000

Article 9. Delineation of Powers in the Field of Relations Connected with Environmental Protection between the Governmental Bodies of the Russian Federation and the Governmental Bodies of Russian Regions

1. Delineation of powers in the field of relations connected with environmental protection between the governmental bodies of

the Russian Federation and the governmental bodies of Russian regions shall be effected by the Constitution of the Russian Federation and federal laws as well as agreements on delineation of cognisance and powers between the governmental bodies of the Russian Federation and the governmental bodies of Russian regions.

2. Agreements between federal executive governmental bodies and executive governmental bodies of Russian regions on the transfer of a portion of powers in the field of relations connected with environmental protection, in particular, in the field of a state ecological expert examination of the facilities subject to compulsory state ecological examination conducted on the level of Russian regions shall be concluded in compliance with the Constitution of the Russian Federation and federal laws.

Article 10. The Administration in the Field of Environmental Protection Performed by Local Government Bodies

Local government bodies shall perform administration in the field of environmental protection in compliance with the present Federal Law and other regulatory legal acts of the Russian Federation, laws and other regulatory legal acts of Russian regions, the charters of municipal entities and regulatory legal acts of local government bodies.

Chapter III. The Rights and Duties of Citizens, Public and Other Non-Commercial Associations in the Field of Environmental Protection

Article 11. The Rights and Duties of Citizens in the Field of Environmental Protection

1. Each citizen is entitled to a favourable environment, its protection against negative effects caused by economic and other activities, natural and man made emergencies, to a reliable information on the condition of the environment and to reimbursement of a harm inflicted to the environment.

According to the Constitution of the Russian Federation everybody is entitled to a favourable environment, reliable information on the condition thereof and to reimbursement for a harm inflicted to one's health or property by an ecological offence

2. Citizens are entitled to:

- form public associations, funds and other non-commercial organizations carrying on their activities in the field of environmental protection;
 - file applications with governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies, other organizations and officials asking for timely, complete and reliable information on environmental conditions in the area where they reside and on the measures taken for the protection thereof;
 - take part in meetings, rallies, demonstrations, marches and picketing, collection of signatures for petitions, referendums on environmental protection issues and other actions not conflicting with Russian law;
 - put forward proposals for a public ecological expert examination and take part in the conduct thereof in the established manner;
- provide assistance to governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies in the resolution of environmental protection issues;
- file the following with governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies and other organizations: complaints, applications and proposals on issues concerning environmental protection, negative effects on the environment and to obtain timely and well-substantiated replies;
 - file complaints with a court claiming reimbursement for a harm inflicted to the environment;
 - exercise the other rights envisaged by the legislation.

3. Citizens shall:

- preserve the nature and the environment;
 - display a careful attitude to the nature and natural wealth;
- observe other legislative provisions.

Article 12. The Rights and Duties of Public and Other Non-Commercial Associations Pursuing Their Activities in the Field of Environmental Protection

1. The public and other non-commercial associations pursuing their activities in the field of environmental protections are entitled to:

- elaborate, disseminate information about and implement in the established manner environmental protection programs, protect the rights and lawful interests of citizens in environmental protection sphere, recruit citizens on voluntary basis for performing environmental protection activity;
- out of their own funds and raised funds, pursue activities and disseminate information about such activities in the field of environmental protection, reproduction of natural resources, ensuring ecological safety;
- provide assistance to governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies in the resolution of environmental protection issues;
- organize meetings, rallies, demonstrations, marches and picketing, collection of signatures for petitions and take part in them under Russian law, lay down proposals for referendums on environmental protection issues and for discussions on project designs concerning environmental protection;
- ask governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies and other organizations and officials for timely, complete and reliable information on environmental conditions, environmental protection measures, the circumstances and facts of economic and other activities that threaten the environment and citizens' life, health and property;
- take part, in the established manner, in the making of economic and other decisions capable of exerting a negative effect on the environment, citizens' life, health and property;
- file the following with governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies and other organizations: complaints, applications and proposals on issues concerning environmental protection, negative effects on the environment and to obtain timely and well-substantiated replies;
- organize and hold in the established manner hearings on issues concerning design, location of facilities the economic and other activity whereof is capable of inflicting a harm to the environment, threaten citizens' life, health and property;
- organize and conduct in the established manner a public ecological examination;

- recommend their representatives for taking part in a state ecological expert examination; file the following with governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies, a court: petitions for repealing decisions on design, location, construction, modification, operation of facilities the economic and other activity whereof is capable of exerting a negative effect on the environment, petitions for suspending and terminating economic and other activities exerting a negative effect on the environment;
- file complaints with a court claiming reimbursement of a harm inflicted to the environment;
- exercise the other rights envisaged by the legislation.

2. While they pursue their activities in the field of environmental protection public and other non-commercial associations shall observe environmental protection provisions.

Article 13. The System of State Measures for Ensuring the Right to a Favourable Environment

1. The governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies and officials shall provide assistance to citizens, public and other non-commercial associations in the implementation of their rights in the field of environmental protection.

2. In the case of deployment of facilities the economic and other activities of which can harm the environment the decision whereby their location is determined shall be taken with due regard to the opinion of the public or results of a referendum.

3. Officials obstructing citizens, public and other non-commercial associations in the pursuance of activity in the field of environmental protection, implementation of their rights specified in the present Federal Law and other federal laws, other regulatory legal acts of the Russian Federation shall be held accountable in the established manner.

Chapter IV. Economic Regulation in the Field of Environmental Protection

Article 14. Environmental Protection Economic Regulation Methods

The methods of economic regulation in the field of environmental protection shall be as follows:

- the elaboration of state socio-economic development forecasts on the basis of ecological forecasts;
- the elaboration of federal programs for ecological development of the Russian Federation and target environmental protection programs for Russian regions;
- the elaboration and implementation of environmental protection measures for the purposes of preventing a harm to the environment;
- the institution of a charge for negative effects on the environment;
- the setting of maximum limits on pollutant and micro-organism emission and dumping, maximum limits on industrial and consumption waste disposal and other types of negative effect on the environment;
- the conduct of an economic assessment of nature facilities and nature man made facilities; the conduct of an economic assessment of the effects exerted by economic and other activities on the environment;
- the granting of tax and other privileges in the case of introduction of the best existing technologies, non-traditional types of energy sources, the use of secondary resources and waste recycling and also in the case of other effective environmental protection measures under Russian law;
- support to entrepreneurial, innovative and other activities (in particular, ecological insurance) aimed at protecting the environment;
- the reimbursement of a harm to the environment in the established manner;
- other economic regulation measures for improving and effective implementation of environmental protection.

Article 15. Federal Programs in the Field of Ecological Development of the Russian Federation, Target Environmental Protection Programs for Russian Regions and Environmental Protection Measures

1. For the purpose of planning, elaboration and implementation of environmental protection measures federal programs for ecological development of the Russian Federation and target programs for protection of the environment of Russian regions shall be elaborated.

The procedure for elaborating, financing and implementing federal programs for ecological development of the Russian Federation shall be established in compliance with Russian law.

The procedure for elaborating, financing and implementing target programs for protecting the environment of Russian regions shall be established under the legislation of the Russian regions.

2. The elaboration of federal programs for ecological development of the Russian Federation and target programs for protection of the environment of Russian regions shall be effected with due regard to citizens' and public associations' proposals.

3. The planning and elaboration of environmental protection measures shall be done with due regard to state socio-economic development forecasts, federal programs for ecological development of the Russian Federation, target programs for protection of the environment of Russian regions as based on the scientific research aimed at resolving environmental protection problems.

4. The legal entities and individual entrepreneurs pursuing economic and other activities exerting negative effects on the environment shall plan, elaborate and implement environmental protection measures in the manner established by legislation.

Article 16. Payment for a Negative Effect on the Environment

1. A negative effect on the environment shall require a payment.

The forms of payment for negative effect on the environment shall be determined by federal laws.

2. Below are the types of negative effect on the environment:

- pollutant and other substance emission into the atmospheric air;
- pollutant, other substance and micro-organism dumping into bodies of water, underground bodies of water and water-collection areas; pollution of sub-soil, soil;
- industrial and consumption waste disposal;
- pollution of the environment with noise, heat, electromagnetic, ionizing and other physical factors;
- other types of negative effect on the environment.

3. The procedure for calculating and collecting payment for a negative effect on the environment shall be established by the

legislation of the Russian Federation.

4. The making of the payment specified in Item 1 of the present article shall not relieve economic and other agents harmless from responsibility for implementing environmental protection measures and reimbursing a harm to the environment.

On the procedure for determining payment and setting the maximum rate thereof for environment pollution, waste disposal and other types of harmful effect see Decision of the Government of the Russian Federation No. 632 of August 28, 1992

Article 17. Entrepreneurial Activity Pursued for the Purpose of Environmental Protection

1. An entrepreneurial activity pursued for the purpose of environmental protection shall be supported by the state.
2. The state support to an entrepreneurial activity pursued for the purpose of environmental protection shall be effected by means of granting tax and other privileges under law.

Article 18. Ecological Insurance

On ecological insurance also see the Model Regulations on the Procedure for Voluntary Ecological Insurance in the Russian Federation (endorsed by the Ministry of Natural Resources of the Russian Federation and the Russian State Insurance Company, Nos. 04-04/72-6132, 22 of December 3, November 20, 1992)

1. Ecological insurance shall be pursued for the purpose of protecting the proprietary interest of legal entities and natural persons for the case of ecological risks.
2. Compulsory state ecological insurance may be pursued in the Russian Federation.
3. Ecological insurance in the Russian Federation shall be pursued in compliance with the legislation of the Russian Federation.

Chapter V. Setting Norms in the Field of Environmental Protection

Article 19. The Fundamentals of Norm-Setting in the Field of Environmental Protection

1. Norm-setting in the field of environmental protection shall be performed for the purpose of state regulation of the effects of economic and other activities on the environment that

guarantee the preservation of a favourable environment and ecological safety.

2. Norm-setting in the field of environmental protection shall mean the setting of norms of environment quality, admissible effect on the environment in the course of pursuance of economic and other activities, other environmental protection norms and also state standards and other regulatory documents in the field of environmental protection.

3. Environmental protection norms and regulatory documents shall be endorsed and put into force on the basis of the latest scientific and technological achievements with due regard to international environmental protection rules and standards.

Norm-setting in the field of environmental protection shall be effected in the manner established by the Government of the Russian Federation.

Article 20. The Standards Governing the Elaboration of Environmental Protection Norms

The elaboration of environmental protection norms shall include the following:

- the conduct of scientific research work for substantiating environmental protection norms; the conduct of expert examination, the approval and publication of environmental
- protection norms, in the established manner;
- the establishment of grounds for the elaboration or review of environmental protection norms;
- the performance of control over the application and observance of environmental protection norms;
- the formation and keeping of a comprehensive environmental protection norms database;
- the assessment and forecasting of ecological, social and economic consequences of application of environmental protection norms.

Article 21. Environment Quality Norms

1. Environmental quality norms shall be set for the purpose of assessing the condition of the environment in order to preserve natural ecological systems, the genetic stock of plants, animals and other organisms.

2. Environment quality norms are as follows:

- norms set in compliance with the chemical indicators of condition of the environment, in particular, the norms of maximum admissible chemical substance concentration, in particular, those concerning radioactive substances;
- norms set in compliance with physical indicators of condition of the environment, in particular, radioactivity and heat level indicators;
- norms set in compliance with the biological indicators of condition of the environment, in particular, the species and groups of plants, animals and other organisms used as indicators of environment quality and also the indicators of maximum admissible micro-organism concentration;
- other environment quality norms.

See maximum admissible chemical concentrations in soils

Order of the State Committee for Fisheries of the Russian Federation No. 100 of June 28, 1995 has approved the List of Maximum Admissible Concentrations and OBUV of Harmful Substances for Fishery Waters

On August 14, 1995 the State Committee for Fisheries of the Russian Federation approved the Procedure for Organizing and Approving Maximum Admissible Concentrations and OBUV of Harmful Substances in Fishery Waters

3. When environment quality norms are being set account shall be taken of the natural peculiar features of territories and water areas, the purpose of natural facilities and nature-man made facilities, specially protected territories, in particular specially protected natural territories and also natural landscapes of special nature preservation importance.

Article 22. The Norms of Admissible Effect on the Environment

1. For the purpose of preventing a negative effect on the environment exerted by economic and other activities the following shall be established for legal entities and natural persons being users of natural wealth: the norms of admissible effect on the environment as follows:

- the norms of admissible substance and micro-organism emission and dumping;
- the norms of industrial and consumption waste production and maximum limits on the disposal thereof;

- the norms of admissible physical effects (the quantity of heat, the levels of noise, vibration, ionizing irradiation, electromagnetic field strength and other physical effects);
 - the norms of admissible withdrawal of components of the environment; the norms of admissible human load on the environment;
 - the norms of other admissible effects on the environment in the pursuance of economic and other activity established by the legislation of the Russian Federation and the legislation of the Russian regions for environmental protection purposes.
2. The norms of admissible effect on the environment shall ensure the observance of the environment quality norms with due regard to the natural peculiarities of territories and water areas.
3. If they exceed the set norms of admissible effect on the environment economic and other agents shall be held accountable under law depending on the harm inflicted to the environment.

Decision of the Government of the Russian Federation No. 182 of March 2, 2000 established

that the ecological norms of atmospheric air quality, the methods of determination of the ecological norms of atmospheric air quality, the maximum limits of physical effect on the atmospheric air, the maximum admissible (critical) loads on ecological systems and other ecological norms intended for protecting the atmospheric air shall be set and reviewed by the State Environmental Protection Committee of the Russian Federation

See the Rules of Elaboration and Approval of the Norms of Waste Production and Maximum Limits on the Disposal Thereof endorsed by Decision of the Government of the Russian Federation No. 461 of June 16, 2000

Order of the Ministry of Natural Resources of the Russian Federation of July 19, 1995 endorsed the Norms of Specific Pollutant Emission into the Atmospheric Air for Bakeries]

Article 23. The Norms of Admissible Substance and Micro-Organism Emission and Dumping

1. The norms of admissible substance and micro-organism emission and dumping shall be set for stationary, movable and other sources of effect on the environment by economic and other

agents proceeding on the norms of admissible human load on the environment, the norms of environment quality and also technological norms.

2. Technological norms shall be set for stationary, movable and other sources on the basis of use of the best existing technologies with the account taken of economic and social factors.

3. If the norms of admissible substance and micro-organism emission and dumping cannot be observed maximum limits may be set on emissions and dumping under permits effective only within the term of performance of environmental protection measures, introduction of the best existing technologies and/or implementation of other nature preservation projects with due regard to a phased achievement of the set norms of admissible substance and micro-organism emission and dumping.

The setting of maximum limits on emissions and dumping may be done only if there exist emission and dumping reduction plans approved by the executive governmental bodies responsible for state administration in the field of environmental protection.

4. The emissions and dumping of chemicals, in particular, radioactive ones, other substances and micro-organisms into the environment within the set norms of admissible substance and micro-organism emission and dumping, the maximum limits on emission and dumping are allowed under permits issued by the executive governmental bodies responsible for state administration in the field of environmental protection.

Article 24. The Norms of Industrial and Consumption Waste Production and the Maximum Limits on the Disposal Thereof

The norms of industrial and consumption waste production and maximum limits on the disposal thereof shall be set for the purposes of preventing their negative effect on the environment, in compliance with law.

Article 25. The Norms of Admissible Physical Effects on the Environment

The norms of admissible physical effects on the environment shall be set for each source of such effects on the basis of the norms of admissible human load on the environment, the norms of environment quality with due regard to the influence of other

sources of physical effects.

Article 26. The Norms of Admissible Withdrawal of Components of the Environment

1. "Norms of admissible withdrawal of components of the environment" are norms set in compliance with limitations on the scope of their withdrawal for the purposes of preserving natural and nature-man-made facilities, ensuring a stable operation of natural ecological systems and preventing their degradation.
2. The norms of admissible withdrawal of components of the environment and a procedure for setting such norms shall be defined by the legislation on sub-soil, water, forestry, animal world and other legislation in the field of environmental protection, nature use and in compliance with the provisions governing environmental protection, protection and reproduction of specific types of natural resources established by the present Federal Law, other federal laws and other regulatory legal acts of the Russian Federation in the field of environmental protection.

Article 27. The Norms of Admissible Human Load on the Environment

1. The norms of admissible human load on the environment shall be set for economic and other agents for the purpose of assessing and regulating the effect of all stationary, movable and other sources of effect on the environment located within specific territories and/or water areas.
2. The norms of admissible human load on the environment shall be set for each type of effect of economic and another activity on the environment and the aggregate effect of all the sources located on such territories and/or water areas.
3. When norms of admissible human effect on the environment is being set account shall be taken of the natural peculiar features of specific territories and/or water areas.

Article 28. Other Environmental Protection Norms

For the purposes of state regulation of the effects of an economic or another activity on the environment, assessment of environment quality under the present Federal Law, other federal laws and other regulatory legal acts of the Russian Federation,

laws and other regulatory legal acts of the Russian Federation
other environmental protection norms may be established.

Article 29. State Standards and Other Regulatory Documents in the Field of Environmental Protection

1. Environmental protection state standards and other regulatory documents shall establish the following:

- environmental protection requirements, regulations and rules applicable to products, works, services and to relevant control methods;
- limitations on economic and other activities for the purpose of their negative effects on the environment;
- a procedure for organizing environmental protection activities and managing such activities.

2. Environmental protection state standards and other regulatory documents shall be elaborated with due regard to scientific and technological achievements and the provisions of international rules and standards.

3. State standards for new machinery, technologies, materials, substances and other products, technological processes, storage, transportation, use of such products, in particular after its transition into the category of industrial and consumption waste shall take into account environmental protection requirements, regulations and rules.

Article 30. Licensing Specific Types of Activity in the Field of Environmental Protection

1. Specific types of activity in the field of environmental protection shall be subject to licensing.

2. A list of specific types of activity in the field of environmental protection subject to licensing shall be established by federal laws.

Article 31. Ecological Certification

1. Ecological certification shall be performed for the purpose of ensuring an ecologically-safe pursuance of economic and other activities on the territory of the Russian Federation.

2. Ecological certification may be compulsory or voluntary.

3. Compulsory ecological certification shall be performed in the manner determined by the Government of the Russian Federation.

Chapter VI. Assessment of Effects on the Environment and Ecological Expert Examination

On ecological expert examination see also the following:

Federal Law No. 174-FZ of November 23, 1995 on Ecological Expert Examination,

Decision of the Government of the Russian Federation No. 698 of June 11, 1996 on Endorsing the Regulations on the Procedure for Accomplishing State Ecological Expert Examination, the Rules of Conducting State Expert Examination endorsed by order of the State Ecological Committee of the Russian Federation No. 280 of June 17, 1997, the Uniform Form of a State Ecological Expert Examination Statement endorsed by Order of the Ministry of Natural Resources of the Russian Federation No. 392 of September 28, 1995

Article 32. Conducting an Assessment of Effects on the Environment

1. An assessment of effects on the environment shall be conducted in respect of a planned economic or another activity capable of exerting a direct or indirect effect on the environment, irrespective of the organizational legal forms thereof.
2. An assessment of effects on the environment shall be conducted during the elaboration of all alternative versions of pre-design, in particular, pre-investment as well as design documentation that substantiates the planned economic and other activity, with the participation of public associations.
3. The requirements applicable to environmental effect assessment materials shall be established by the federal executive governmental bodies responsible for state administration in the field of environmental protection.

Article 33. Ecological Expert Examination

1. Ecological expert examination shall be conducted for the purpose of finding out if a planned economic and another activity comply with environmental protection provisions.
2. A procedure for conducting an ecological expert examination shall be established by the Federal Law on Ecological Expert Examination.

Chapter VII. The Environmental Protection Provisions Applicable
in the Case of Pursuance of Economic and Other Activities

Article 34. The General Provisions Governing Environmental
Protection in the Case of Location Determination, Design,
Construction, Modification, Commissioning, Operation,
Conservation and Demolition of Buildings, Houses , Structures
and Other Facilities

1. The location determination, design, construction, modification, commissioning, operation, conservation and demolition of the buildings, houses, structures and other facilities exerting a direct or indirect negative effect on the environment shall be done in compliance with environmental protection provisions. In such a case arrangement shall be made for measures for environmental protection, restoration of natural environment, rational use and reproduction of natural resources, ensuring ecological safety.

2. A breach of environmental protection provisions shall ensue a suspension of the location determination, design, construction, modification, commissioning, operation, conservation and demolition of the buildings, houses, structures and other facilities under prescriptions of the executive governmental bodies responsible for state administration in the field of environmental protection.

3. The termination, in full scope, of the location determination, design, construction, modification, commissioning, operation, conservation and demolition of the buildings, houses, structures and other facilities in the case of a breach of environmental protection provisions shall be effected under a decision of a court and/or arbitration tribunal.

On the standards applicable to an ecological feasibility study in pre-design and design documentation for the construction of facilities intended for economic and other activities see the Instructions endorsed by Order of the Ministry of Natural Resources of the Russian Federation No. 539 of December 29, 1995

Article 35. The Provisions Governing Environmental
Protection in the Case of Location Determination for Buildings,

Houses, Structures and Other Facilities

1. When location is determined for buildings, houses, structures and other facilities arrangements shall be made for the observance of provisions in the field of environmental protection, restoration of natural environment, rational use and reproduction of natural resources, ensuring ecological safety with due regard to short-term and long-term ecological, demographic and other consequences of the operation of these facilities and the observance of the priority of preservation of a favourable environment, biological diversity, rational use and reproduction of natural resources.

2. The determination of location of buildings, houses, structures and other facilities shall be done in the observance of law if there is a positive state ecological examination statement.

See the Land Code of the Russian Federation No. 136-FZ of October 25, 2001

3. In cases when the placement of buildings, houses, structures and other facilities affects the lawful interests of citizens decisions shall be adopted with due regard to the results of referendums conducted on relevant territories.

On the compulsory use of the procedure and results of the environmental effect assessment in the elaboration of pre-plan, pre-design and design documentation see Letter of the Ministry of Natural Resources No. 01-20/65-5568 of December 14, 1993

Article 36. The Environmental Protection Provisions Applicable to the Design of Buildings, Houses, Structures and Other Facilities

1. When buildings, houses, structures and other facilities are designed account shall be taken of the norms of admissible human load on the environment, measures shall be arranged for preventing and eliminating environmental pollution and also for disposing of industrial and consumption waste, resource-saving, low-waste and other best existing technologies shall be used as assisting in environmental protection, restoration of natural environment, rational use and reproduction of natural resources.

2. It is prohibited to change the value of design work and approved designs by means of deleting planned environmental protection measures incorporated in such work or designs in the

case of design of construction, modification, technical refurbishment, conservation and demolition of buildings, houses, structures and other facilities.

3. Designs not covered by positive state ecological expert examination statements shall not be subject to approval and the financing thereof is prohibited.

Article 37. The Environmental Protection Provisions Applicable to the Construction and Modification of Buildings, Houses, Structures and Other Facilities

1. The construction and modification of buildings, houses, structures and other facilities shall be performed under approved designs covered by positive state ecological expert examination statements, in observance of environmental protection provisions as well as sanitary and construction standards, rules and regulations.

2. The construction and modification of buildings, houses, structures and other facilities is prohibited until the approval of the designs and until the physical allocation of plots of land and also alteration of approved designs is prohibited to the detriment of environmental protection provisions.

3. When buildings, houses, structures and other facilities are being constructed and modified measures shall be taken for protecting the environment, restoring natural environment, re-cultivating land, arranging landscapes in compliance with Russian law.

Article 38. The Environmental Protection Provisions Applicable to the Commissioning of Buildings, Houses, Structures and Other Facilities

1. Buildings, houses, structures and other facilities shall be commissioned on the condition that the environmental protection clauses of their designs have been fully complied with, under the certificates of the acceptance commissions formed to accept the buildings, houses, structures and other facilities as incorporating representatives of the federal executive governmental bodies responsible for state administration in the field of environmental protection.

2. It is prohibited to commission the following: buildings, houses, structures and other facilities not featuring technical

facilities and technologies intended to deactivate and safely dispose of industrial and consumption waste, deactivate and dump pollutants and capable of ensuring the observance of established environmental protection standards. Also the following is prohibited: the commissioning of facilities not featuring environment pollution control facilities, without the completion of designed works of environmental protection, restoration of natural environment, re-cultivation of land, landscaping works under Russian law.

3. The heads and members of acceptance commissions responsible for commissioning of buildings, houses, structures and other facilities shall be accountable under Russian administrative and other law for the commissioning of the buildings, houses, structures and other facilities if such facilities fail to comply with the provisions of environmental protection legislation.

Article 39. The Environmental Protection Provisions Applicable to the Operation and Decommissioning of Buildings, Houses, Structures and Other Facilities

1. The legal entities and natural persons operating buildings, houses, structures and other facilities shall observe approved technologies and standards in the field of environmental protection, restoration of natural environment, rational use and reproduction of natural resources.

2. The legal entities and natural persons operating buildings, houses, structures and other facilities shall arrange for the observance of environment quality norms on the basis of use of technical facilities and technologies intended to deactivate and safely dispose of industrial and consumption waste, deactivate pollutant emissions and dumping and also other best existing technologies capable of ensuring the observance of environmental protection standards, shall implement measures for restoration of natural environment, re-cultivation of land, landscaping under law.

3. The decommissioning of buildings, houses, structures and other facilities shall be accomplished in compliance with the environmental protection legislation if there exist design documentation approved in the established manner.

4. When buildings, houses, structures and other facilities are

being decommissioned it shall be necessary to elaborate and implement measures for restoration of natural environment, in particular, reproduction of components of natural environment, to provide a favourable environment.

5. An alteration in the functional purpose of buildings, houses, structures and other facilities shall be effected on the approval of the executive governmental bodies responsible for state administration in the field of environmental protection.

See the Temporary Rules of Protecting Environment from Industrial and Consumption Waste in the Russian Federation endorsed by Letter of the Ministry of Natural Resources of the Russian Federation No. 01-15/29-2115 of July 21, 1994

Article 40. The Environmental Protection Provisions Applicable to the Placement, Design, Construction, Modification, Commissioning and Operation of Power Industry Facilities

1. The placement, design, construction, modification, commissioning and operation of power industry facilities shall be accomplished in compliance with the provisions of Articles 34 - 39 of the present Federal Law.

2. When thermal power plants are being designed and constructed provision shall be made for their being equipped with high-efficiency pollutant emission/dumping purification facilities as well as for the use of environment - friendly types of fuel and safe industrial waste disposal.

3. When hydraulic power plants are being placed, designed, constructed, modified, commissioned and operated account shall be taken of relevant regions' actual need for electrical power and also of the peculiarities of terrain.

When the said facilities are being placed provisions shall be made for measures for the preservation of water bodies, water-collection areas, aquatic biological resources, land, soil, forests and other vegetation, biological diversity, measures ensuring a steady operation of natural ecological systems, preservation of natural landscapes, specially protected natural territories and monuments of nature and also measures shall be taken for a timely disposal of timber and fertile soil layer in the case of clear up and flooding of the beds of reservoirs and other necessary measures for preventing negative changes in natural environment, preservation of a water regimen capable of

ensuring most favourable conditions of the reproduction of aquatic biological resources.

4. When nuclear plants, including atomic power plants are being placed, designed, constructed, commissioned and operated protection of the environment from the radiation effects of these plants shall be ensured, the established procedure and norms of technological process, the requirements issued by the federal executive governmental bodies authorized to perform state supervision and control in radiation safety shall be observed and state atomic energy safety regulation shall be performed, measures shall be taken for ensuring a full radiation safety for the environment and the public in compliance with Russian law and the generally accepted principles and norms of international law, nuclear plant personnel training and upgrading shall be ensured.

5. The placement of nuclear plants, in particular, atomic power plants shall be done under project designs and other substantiating materials contained in state ecological (and other) expert examination statements required under Russian law, that confirm the ecological and radiation safety of the nuclear plants.

6. Nuclear plant (in particular, atomic power plant) location designs shall contain solutions that ensure a safe decommissioning thereof.

See Sanitary Rules SP 2.6.758 — 99 "Ionising Irradiation, Radiation Safety. Radiation Safety Norms (NRB-99)" endorsed by the Chief State Sanitary Inspector on July 2, 1999

Article 41. The Environmental Protection Provisions Applicable to the Placement, Design, Construction, Modification, Commissioning, Operation and Decommissioning of Military and Defence Facilities, Weapons and Materiel

1. The environmental protection provisions applicable to the placement, design, construction, modification, commissioning, operation and decommissioning of buildings, houses, structure and other facilities shall fully extend to military and defence facilities, weapons and materiel, except for emergencies that obstruct observance of the environmental protection provisions.

2. A list of the emergencies obstructing the observance of environmental protection provisions in the case of placement,

design, construction, modification, commissioning, operation and decommissioning of military and defence facilities, weapons and materiel shall be determined by the legislation of the Russian Federation.

Article 42. The Environmental Protection Provisions
Applicable to the Operation of Agricultural-Purpose Facilities

1. When agricultural purpose facilities are being operated environmental protection provisions shall be observed, measures for preservation of land, water bodies, plants, animals and other organisms from negative effects of economic and other activities on the environment shall be taken.
2. While they pursue their activities the agricultural organizations pursuing the production, procurement and processing of agricultural products, other agricultural organizations shall observe environmental protection provisions.
3. Agricultural-purpose facilities shall have the necessary sanitary-protective zones and purification facilities that prevent pollution of soils, surface and underground waters, water-collection areas and the atmospheric air.

See the Instructions on Ecological Substantiation of Economic and Other Activities endorsed by Order of the Ministry of Natural Resources of the Russian Federation No. 539 of December 29, 1995

Article 43. The Environmental Protection Provisions
Applicable to Amelioration of Land, the Placement, Design, Construction, Modification, Commissioning and Operation of Amelioration Systems and Stand-Alone Hydraulic Engineering and Waterway Facilities

In the case of amelioration of land, placement, design, construction, modification, commissioning and operation of ameliorative systems and stand-alone hydraulic engineering and waterway facilities measures shall be taken for maintaining a water economic balance and cost-efficient use of water, preservation of and, soil, forests and other vegetation, animals and other organisms and also the prevention of other negative effects on the environment in the course of implementation of amelioration measures. Land amelioration shall not lead to a deterioration in the condition of the environment, break the

stable operation of natural ecological systems.

See also Federal Law No. 4-FZ of January 10, 1996 on Land Amelioration

Article 44. The Environmental Protection Provisions
Applicable to the Placement, Design, Construction, Modification
Of Urban and Rural Inhabited Localities

1. In the case of placement, design, construction, modification of urban and rural inhabited localities one shall observe environmental provisions that ensure a favourable condition of the environment for the activities of the human being as well as for the habitation of plants, animals and other organisms, a stable operation of natural ecological systems.

The location of buildings, houses, structures and other facilities shall be chosen with due regard to environmental protection provisions, sanitary hygienic norms and urban construction standards.

2. When urban and rural inhabited localities are being designed and developed one shall observe environmental protection provisions, take measures for sanitary purification, deactivation and safe disposal of industrial and consumption waste, for the observance of the norms of admissible substance and micro-organism emissions and dumping and also for restoration of natural environment, re-cultivation of land, landscaping and other measures for ensuring environmental protection and ecological safety under law.

3. For environments protection purposes protective and security zones shall be established in urban and rural inhabited localities, in particular, sanitary protection zones, planted territories, "green" zones including forest/park zones and other protective and security zones with limited nature use regime withdrawn from an intensive economic use.

Article 45. The Environmental Protection Provisions
Applicable to the Manufacture and Operation of Motor Road
Vehicles and Other Vehicles

1. The manufacture of motor road vehicles and other vehicles shall be pursued in compliance with environmental protection provisions.

2. The legal entities and natural persons operating motor road

vehicles as well as other vehicles exerting negative effects on the environment shall observe the norms of admissible substance and micro-organism emissions and dumping and also take measures for deactivating pollutants, in particular, neutralisation thereof, reducing noise level and other negative effects on the environment.

3. Relations in the field of manufacture and operation of motor road and other vehicles shall be governed by law.

Article 46. The Environmental Protection Provisions Applicable to the Placement, Design, Construction, Modification, Commissioning and Operation of Oil and Gas Production Facilities, the Facilities Intended for Processing, Transporting, Storing and Selling Oil, Gas and Petroleum Products

1. The placement, design, construction, modification, commissioning and operation of oil and gas production facilities, the facilities intended for processing, transporting, storing and selling oil, gas and petroleum/gas products shall be effected in compliance with the provisions established by the environmental protection legislation.

2. In the case of placement, design, construction, modification, commissioning and operation of oil and gas production facilities, the facilities intended for processing, transporting, storing and selling oil, gas and petroleum/gas products provision shall be made for effective purification and deactivation of the waste resulting from the production and gathering of oil (casing head) gas and mineralised water, re-cultivation of broken and polluted land, reduction of negative effects on the environment and also compensation for a damage inflicted to the environment during the construction and operation of the said facilities.

3. The construction and operation of oil and gas production facilities, the facilities intended for processing, transporting, storing and selling oil, gas and petroleum/gas products shall be permitted if there exist polluted land restoration designs for the zones of temporary and/or permanent land allocation, positive state ecological expert examination statements and other state expert examination statements required under law, financial guarantees for the completion of

such projects.

4. The construction and operation of oil and gas production facilities, the facilities intended for processing, transporting and storing oil and gas located within the areas of water bodies, on the continental shelf and in the exclusion economic zone of the Russian Federation shall be permitted if there exist positive state ecological expert examination statements and other state expert examination statements required by law after polluted lands have been restored.

Article 47. The Environmental Protection Provisions Applicable to the Production, Circulation and Deactivation of Potentially-Hazardous Chemicals, in Particular Radioactive Ones, Other Substances and Micro-Organisms

1. The production and circulation of potentially-hazardous chemicals, in particular, radioactive ones, other substances and micro-organisms shall be permitted on the territory of the Russian Federation after the completion of the necessary toxicological-hygienic and toxicological study of the substances, the establishment of a procedure for handling them, nature preservation norms and state registration of the substances under Russian law.

2. The deactivation of potentially hazardous chemical and biological substances shall be effected if there exist design and technological documentation approved in the established procedure under law.

Article 48. The Environmental Protection Provisions Applicable to the Use of Radioactive Substances and Nuclear Materials

1. Legal entities and natural persons shall observe the rules of manufacture, storage, transportation, use, burial of radioactive substances (sources of ionising irradiation) and nuclear materials, abstain from exceeding the established maximum admissible ionizing irradiation norms, and if they are exceeded, immediately notify the executive governmental bodies in charge of radiation safety of the high radiation levels being a hazard for the environment and human health, take measures for eliminating radiation contamination in specific areas.

2. The legal entities and natural persons which fail to ensure

the observance of the rules of handling radioactive substances and nuclear materials and also radioactive waste shall be held accountable under Russian law.

3. The importation of radioactive waste and nuclear materials from foreign states into the Russian Federation to be stored or buried here and also the under-water burial, the space- burial of radioactive waste and nuclear materials are prohibited, except for the cases established by the present Federal Law.

See also Direction of the State Customs Committee of the Russian Federation No. 01-12/71 of July 8, 1992

4. The importation into the Russian Federation from foreign states of irradiated nuclear reactor fuel elements for the purpose of temporary technological storage and/or processing is permitted in case when state ecological expert examination and other state expert examinations have been completed in respect of the relevant project as required by Russian law, and a feasibility study indicates a general reduction in radiation exposure risk and an increase in ecological safety as a result of implementation of the project.

The importation into the Russian Federation of irradiated nuclear reactor fuel elements shall be performed under international agreements of the Russian Federation.

The procedure for importing irradiated nuclear reactor fuel elements into the Russian Federation shall be established by the Government of the Russian Federation on the basis of the general principles of non proliferation of nuclear weapons, environmental protection and the safeguarding of the economic interests of the Russian Federation with due regard to the priority ranking of the right to return the radioactive waste resulting from the processing to the state from which the nuclear materials have originated or to arrange for the return thereof.

On the ad hoc commission on importation of foreign made irradiated fuel elements into the territory of the Russian Federation see Decree of the President of the Russian Federation No. 828 of July 10, 2001

Article 49. The Environmental Protection Provisions Applicable to the Use of Chemicals in Agriculture and Forestry

1. Legal entities and natural persons' shall observe the rules

of manufacture, storage, transportation and use of the chemicals used in agriculture and forestry, environmental protection provisions and also take measures for preventing the negative effects of economic and other activities and elimination of harmful consequences in order to ensure environment quality, a stable operation of natural ecological systems and preservation of natural landscapes under Russian law.

2. The use of non-degradable toxic chemicals is prohibited.

See the Procedure for Assessing the Amount of Damage from Chemical Land Pollution endorsed by the State Committee for Land Policy of the Russian Federation on November 10, 1993 and the Ministry of Natural Resources of the Russian Federation on November 18, 1993

Article 50. Protection of the Environment from Negative Biological Effects

1. The following is prohibited: the production, breeding and use of plants, animals and other organisms not inherent to natural ecological systems and also those artificially created, without the elaboration of effective measures for preventing their uncontrolled reproduction, a positive state ecological expert examination statement, a permission by the federal executive governmental bodies responsible for state administration in the field of environmental protection, other federal executive governmental bodies in compliance with their competence and Russian law.

2. Where hazardous production facilities are being placed, designed, constructed, modified, commissioned, operated and decommissioned, or technologies are used which are connected with micro-organisms' negative effect on the environment environmental protection provisions, nature preservation norms, in particular, those concerning the maximum admissible concentration of micro-organisms, state standards and other environmental protection regulatory documents shall be observed.

3. The legal entities and natural persons pursuing activities connected with the possibility of a negative micro-organisms' effect on the environment shall arrange for environmentally-friendly production, transportation, use, storage, placement and deactivation of micro-organisms, elaborate and implement measures for preventing accidents and disasters, prevent and

eliminate the consequences of negative micro-organisms' effect on the environment.

Article 51. The Environmental Protection Provisions
Applicable to Industrial and Consumption Waste Handling

See Federal Law of the Russian Federation No. 89-FZ of June 24, 1998 on Industrial and Consumption Waste

Decision of the Government of the Russian Federation No. 1098 of September 13, 1996 endorsed a Federal Target Program "Waste"

1. Industrial and consumption waste, in particular, radioactive waste, shall be subject to collection, use, deactivation, transportation, storage and burial the conditions and techniques of which shall be environmentally - friendly and be governed by Russian law.

2. The following is hereby prohibited:

- the dumping of industrial and consumption waste, in particular, radioactive waste in surface and underground bodies of water, water-collection areas, sub-soil and soil;
- the placement of hazardous waste and radioactive waste on territories adjacent to urban and rural inhabited localities, forest/park, health resort, health rehabilitation, recreational areas, animal migration routes, near fish spawning areas and in other places where it can create a threat to the environment, natural ecological systems and human health;
- the burial of hazardous waste and radioactive waste in the water-collection areas of underground bodies of water used as water-supply sources, for health treatment or mineral resource recovery purposes;
- the importation of hazardous waste and radioactive waste into the Russian Federation for the purpose of burial and deactivation.

3. Relations in the field of industrial and consumption waste and also hazardous waste and radioactive waste handling shall be regulated by a relevant legislation of the Russian Federation.

Article 52. The Environmental Protection Provisions
Applicable to the Institution of Protection and Preservation
Zones

1. Protection and preservation zones shall be instituted for the

purpose of ensuring a stable operation of natural ecological systems, protecting natural complexes, natural landscapes and specially-protected natural territories from pollution and other negative effects of economic and other activities.

2. For the purpose of protecting conditions for the activities of the human being, the habitat of plants, animals and other organisms protection and preservation zones shall be established around industrial zones and facilities engaged in economic and other activities that exert a negative effect on the environment, in particular sanitary protection zones, "green zones" in the blocks and micro-districts of urban and rural inhabited localities as incorporating forest park zones and other restricted nature use zones.

3. The procedure for instituting and creating protection and preservation zones shall be regulated by law.

Article 53. The Environmental Protection Provisions Applicable to Property Privatisation and Nationalisation

In the case of property privatisation and nationalization arrangement shall be made for environmental protection measures and compensation of a damage inflicted to the environment.

Article 54. Protection of the Atmospheric Ozone Layer

The protection of atmospheric ozone layer against ecologically hazardous changes shall be ensured by means of regulating the manufacture and use of ozone-unfriendly substances under international treaties of the Russian Federation, the generally accepted norms of international law and Russian law.

See Decision of the Government of the Russian Federation No. 526 of May 24, 1995 on Top- Priority Measures for Implementation of the Vienna Convention on Preservation of the Ozone Layer and the Montreal Protocol on Ozone - Unfriendly Substances

Decision of the Government of the Russian Federation No. 563 of May 8, 1996 endorsed the List of Ozone-Unfriendly Substances and the List of the Products Containing Ozone - Unfriendly Substances the Importation into the Russian Federation and Exportation from the Russian Federation of Which Is Subject to State Regulation

Article 55. Protection of the Environment from Negative Physical Effects

1. When they pursue economic and other activities the governmental bodies of the Russian Federation, the governmental bodies of Russian regions, local government bodies, legal entities and natural persons shall take the necessary measures for preventing and eliminating the negative effect of noise, vibration, electric and electromagnetic, magnetic fields and other negative physical effects on the environment in urban and rural inhabited localities, recreation zones, the habitats of wild animals and birds, including their breeding areas, natural ecological systems and natural landscapes.
2. Where urban and rural inhabited localities are being designed and developed, production facilities are being designed, constructed, modified and operated, new machinery is being developed and commercialized, transportation means are being manufactured and operated measures shall be elaborated to ensure the observance of admissible physical effect norms.
3. It is prohibited to exceed admissible physical effect norms.

Article 56. Sanctions for a Breach of Nature Preservation Provisions

In the case of a breach of the nature preservation provisions of the present chapter the activity pursued in breach of the said provisions may be subjected to limitation, suspension or termination in the manner established by Russian law.

Chapter VIII. Ecological Disaster Zones, Emergency Zones

See the Criteria for Assessing the Ecological Situation of a Territory for the Purpose of Revealing Emergency Ecological Zones and Ecological Disaster Zones endorsed by the Ministry of Natural Resources of the Russian Federation of November 30, 1992

Article 57. Procedure for Establishing Ecological Disaster Zones, Emergency Zones

1. The procedure for declaring and establishing the ecological disaster zone regime shall be set out by the legislation on ecological disaster zones.
2. Environmental protection in emergency zones shall be established by the federal law on protection of the public and

territories from natural and man-made emergencies, other federal laws and other regulatory legal acts of the Russian Federation, laws and other regulatory legal acts of Russian regions.

On the materials to be filed for the purposes of state ecological expert examination in the case of classifying a specific territory as an ecological emergency zone see Order of the Ministry of Natural Resources of the Russian Federation No. 113 of March 28, 1996

Chapter IX. The Natural Facilities under Special Protection

Article 58. The Protective Measures for Natural Facilities

1. The natural facilities of special nature preservation, scientific, historical and cultural, aesthetic, recreational, health rehabilitation and another valuable significance are under special protection. For the purpose of protecting such natural facilities a special legal regime shall be established, in particular, specially protected natural territories shall be created.
2. The procedure for the creation and operation of specially protected natural territories shall be regulated by the legislation on specially protected natural territories.
3. State natural sanctuaries, in particular, state natural biosphere sanctuaries, state natural game reserves, monuments of nature, national parks, dendrological parks, nature parks, botanical gardens and other specially protected territories of special nature protection, scientific, historical and cultural, aesthetic, recreational, health rehabilitation and another valuable significance shall make up natural sanctuary resources.

On state natural sanctuaries see also the following:

Federal Law No. 33-FZ of March 14, 1995,

Decision of the Government of the RSFSR No. 48 of December 18, 1991

On state natural game reserves see also:

Federal Law No. 33-FZ of March 14, 1995

Order of the Ministry of Natural Resources of the Russian Federation No. 14 of January 25, 1993,

Order of the Ministry of Natural Resources of the Russian Federation No. 20 of January 16, 1996

On national parks see also:

Federal Law No. 33-FZ of March 14, 1995,

Decision of the Council of Ministers of the Russian Federation No. 769 of August 10, 1993

On monuments of nature see also:

Federal Law No. 33-FZ of March 14, 1995,

Order of the Ministry of Natural Resources of the Russian Federation No. 15 of January 25, 1993,

Order of the Ministry of Natural Resources of the Russian Federation No. 20 of January 16, 1996

4. The exemption of the lands of natural sanctuary resources is prohibited, except for the cases specified in federal laws.

5. Lands within the territories where specially protected natural facilities of special nature protection, scientific, historical and cultural, aesthetic, recreational, health rehabilitation and another valuable significance are located shall not be subject to privatisation.

Article 59. The Legal Regime of Natural Facility Protection

1. The legal regime of protection of a natural facility shall be established by the legislation on environmental protection, natural and cultural heritage and other legislation.

2. An economic and another activity exerting a negative effect on the environment and leading to the degradation and/or destruction of specially protected natural facilities of special nature protection, scientific, historical and cultural, aesthetic, recreational, health rehabilitation and another valuable significance is hereby prohibited.

Article 60. Protection of Rare and Extinction-Threatened Plants, Animals and Other Organisms

1. For the purposes of protecting and keeping record of rare and extinction threatened plants, animals and other organisms the Red Book of the Russian Federation is instituted as well as the Red Books of Russian regions. The plants, animals and other organisms classified as the species mentioned in the Red Books shall be subject to withdrawal from economic use throughout the country. For the purposes of preserving rare and extinction-threatened plants, animals and other organisms their genetic stock shall be preserved in low-temperature genetic banks and also in an artificial environment. Activities leading to a reduction in the numbers of these plants, animals and other

organization and deteriorating their environment are prohibited.

On the Red Book of the Russian Federation see Decision of the Government of the Russian Federation No. 158 of February 19, 1996

See Order of the Ministry of Natural Resources of the Russian Federation No. 126 of May 4, 1994 on Endorsing the Rates of Charge for a Damage Inflicted by an Illegal Procurement or Destruction of Fauna and Flora Objects

2. The procedure for protecting rare and extinction-threatened plants, animals and other organisms, the procedure for keeping the Red Book of the Russian Federation, the Red Books of Russian regions and also the procedure for preserving their genetic stock in low-temperature genetic banks and in an artificial environment shall be determined by the environmental protection legislation.

The Regulations on the Procedure for Keeping the Red Book of the Russian Federation has been endorsed by Order of the State Committee for Environmental Protection of the Russian Federation No. 419-a of October 3, 1997

3. The importation into the Russian Federation, exportation out of the Russian Federation and transit carriage via the Russian Federation and also circulation of rare and extinction-threatened plants, animals and other organisms, their most precious species, in particular the plants, animals and other organisms covered by international treaties of the Russian Federation shall be regulated by the legislation of the Russian Federation with due regard to the generally accepted principles and norms of international law.

Article 61. Protection of the Vegetation Resources of Urban and Rural Inhabited Localities

1. The vegetation resources of urban and rural inhabited localities is made up of vegetation zones, in particular, territories covered by trees and bushes and territories covered by grass-type vegetation within the boundaries of these inhabited localities.

2. Protection of the vegetation resources of urban and rural inhabited localities means a system of measures that ensures the preservation and development of the vegetation resources and that is required for normalizing ecological situation and

creating a favourable environment.

Economic and other activities exerting a negative effect on these territories and preventing them from performing the functions of ecological, sanitary-hygienic and recreational purposes are prohibited on vegetation resources territories.

3. State regulation in the field of protection of the vegetation resources of urban and rural inhabited localities shall be effected in compliance with the legislation.

Article 62. Protection of Rare and Disappearance-Threatened Soils

1. Rare and disappearance threatened soils shall be subject to state protection and a Red Book of Soils of the Russian Federation and Red Books of Soils of Russian regions shall be instituted for soil recording and protecting purposes, with the procedure for keeping the books being determined by the soil protection legislation.

2. The procedure for classifying soils as rare and disappearance threatened and also the procedure for setting up the regimes of use of the plots of land the soils of which are classified as rare and disappearance-threatened shall be established by the legislation.

Chapter X. The State Environmental Monitoring (State Ecological Monitoring)

Article 63. The Organization of State Environmental Monitoring (State Ecological Monitoring)

1. State environmental monitoring (state ecological monitoring) shall be pursued under Russian law and the law of Russian regions for the purposes of observing the condition of the environment, in particular, the condition of the environment in the areas where man-made sources of effects are located and observing the effect of these sources on the environment and also to cater for the need of the state, legal entities and natural persons for trustworthy information required for preventing and/or reducing the unfavorable consequences of a change in environmental conditions.

2. The procedure for organizing and pursuing state environmental monitoring (state ecological monitoring) shall be established by the Government of the Russian Federation.

3. Information on environmental conditions and changes therein obtained through state environmental monitoring (state ecological monitoring) shall be used by the governmental bodies of the Russian Federation, the governmental bodies of Russian regions, local government bodies for the purpose of elaborating socio-economic forecasts and making relevant decisions, elaborating federal programs in the field of ecological development of the Russian Federation, target programs in the field of protection of the environment of Russian regions and environmental protection measures.

The procedure for the provision of information on the condition of the environment shall be regulated by the legislation.

Chapter XI. Control in the Field of Environmental Protection (Ecological Control)

Article 64. The Tasks of Environmental Protection Control (Ecological Control)

1. Environmental protection control (ecological control) shall be exercised to ensure that the governmental bodies of the Russian Federation, the governmental bodies of Russian regions, local government bodies, legal entities and natural persons implement the environmental protection legislation, observe environmental protection provisions, in particular, norms and regulatory documents, and also ensure ecological safety.

2. State, industrial, municipal and public environmental protection control shall be exercised in the Russian Federation.

See the Rules of Performance of State Ecological Control by the Officials of the Ministry of Environmental Protection and Natural Resources of the Russian Federation and the Territorial Bodies Thereof of April 17, 1996

Article 65. State Environmental Protection Control (State Ecological Control)

1. State environmental protection control (state ecological control) shall be exercised by federal executive governmental bodies and the executive governmental bodies of Russian regions.

State environmental protection control (state ecological control) shall be exercised in the manner established by the Government of the Russian Federation.

2. According to the present Federal Law, other federal laws a

list of the facilities subject to federal state ecological control shall be determined by the Government of the Russian Federation.

3. A list of officials of the federal governmental body responsible for federal state ecological control (federal state environmental protection inspectors) shall be established by the Government of the Russian Federation.

4. A list of officials of the governmental bodies of Russian regions responsible for state ecological control (state environmental protection inspectors of the Russian regions) shall be established in compliance with the legislation of the Russian regions.

5. Combination of state environmental protection control (state ecological control) functions and the functions of economic use of natural resources is prohibited.

Article 66. The Rights, Duties and Liability of State Environmental Protection Inspectors

1. When they exercise their service duties within their scope of powers state environmental protection inspectors shall be, in the established manner, entitled:

- for inspection purposes, to visit organizations, facilities intended for economic and other activities, irrespective of the form of ownership thereof, in particular, facilities subject to state protection, defense facilities, civil defense facilities, to get acquainted with documents and other materials required for state ecological control purposes;

On the conduct of state ecological control in restricted-access administrative territorial entities, in restricted-access, special restricted-access and special importance facilities of the Armed Forces of the Russian Federation and the state ecological expert examination of weapons and materiel, military installations and military activities see the Regulations endorsed by Decision of the Government of the Russian Federation No. 461 of May 18, 1998

- to verify the observance of norms, state standards and other regulatory environmental protection documents, the operation of purification plants and other deactivation devices, monitoring facilities as well as implementation of environmental protection plans and measures;

- to verify the observance of environmental protection provisions, norms and rules in the case of placement, construction, commissioning, operation and decommissioning of industrial and other facilities;
- to verify the observance of the requirements laid down in a state ecological expert examination statement and introduce proposals for such an expert examination;
- to issue demands and prescriptions addressed to legal entities and natural persons for the elimination of a breach of the environmental protection legislation and of nature preservation provisions where such a breach has been discovered in the course of state ecological control;
- to suspend economic and other activities of legal entities and natural persons when they breach the environmental protection legislation;
- to hold accountable under administrative law persons at fault for a breach of the environmental protection preservation;
- exercise the other powers specified by the legislation.

2. State environmental protection inspectors shall:

- prevent, discover and stop breaches of the environmental protection legislation;
- explain to persons in breach of the environmental protection legislation their rights and duties;
- observe the provisions of law.

On the vesting of the said powers in officials of the Ministry of Environmental Protection and Natural Resources of the Russian Federation and the territorial bodies thereof: Decision of the Government of the Russian Federation No. 718 of July 17, 1995

3. The decisions of state environmental protection inspectors are subject to appeal under Russian law.

See Federal Law No. 134 FZ of August 8, 2001 on Protection of the Rights of Legal Entities and Individual Entrepreneurs in the Case of State Control (Supervision)

4. State environmental protection inspectors shall be subject to state protection according to Russian law.

Article 67. Industrial Environmental Protection Control
(Industrial Ecological Control)

1. Industrial environmental protection control (industrial ecological control) shall be exercised for the purpose of ensuring the implementation, during economic and another activity, of measures for protection of the environment, rational use and restoration of natural resources and also for the purpose of observance of environmental protection provisions the environmental protection legislation.
2. Economic and other agents shall provide information on the organization of industrial ecological control to the executive governmental bodies and local government bodies responsible for state and municipal control respectively, in the manner established by law.

Article 68. Municipal Environmental Protection Control (Municipal Ecological Control) and Public Environmental Protection Control (Public Ecological Control)

1. Municipal environmental protection control (municipal ecological control) on territory of a municipal entity shall be exercised by local government bodies or by bodies authorized by them.
2. Municipal environmental protection control (municipal ecological control) on the territory of a municipal entity shall be exercised in keeping with the legislation of the Russian Federation and in the manner established by regulatory legal acts of local government bodies.
3. Public environmental protection control (public ecological control) shall be exercised for the purpose of implementing everybody's right to a favorable environment and preventing violation of the environmental protection legislation.
4. Public environmental protection control (public ecological control) shall be exercised by public and other non-commercial associations in compliance with the constitutions/charters and also by citizens in compliance with law.
5. The results of public environmental protection control (public ecological control) presented to governmental bodies of the Russian Federation, governmental bodies of Russian regions, local government bodies shall be subject to compulsory consideration in the manner established by law.

Article 69. State Records of the Facilities Exerting

Negative Effects on the Environment

1. State records of the facilities exerting negative effects on the environment shall be kept for the purposes of state regulation of nature preservation activity and also current and long-term planning of measures for a reduction of the effects of economic and other activities on the environment.
2. State records of the facilities exerting negative effects on the environment and also the assessment of such effects on the environment shall be kept/performed in the manner established by law.
3. Facilities exerting negative effects on the environment and information on their effects on the environment shall be a subject matter of statistical records.

Chapter XII. Scientific Research in the Field of Environmental Protection

Article 70. Scientific Research in the Field of Environmental Protection

1. Scientific research in the field of environmental protection shall be pursued for the purposes of social, economic and ecologically- balanced development of the Russian Federation, creation of a scientific foundation for environmental protection, elaboration of science based measures for improvement and restoration of the environment, for ensuring a stable operation of natural ecological systems rational use and reproduction of natural resources, ensuring ecological safety.
2. Scientific research in the field of environmental protection shall be pursued for the below purposes:
 - the elaboration of concepts, scientific forecasts and plans for preservation and restoration of the environment;
 - the assessment of consequences of negative effects of economic and other activities on the environment;
 - the improvement of the environmental protection legislation, creation of norms, state standards and other regulatory documents in the field of environmental protection;
 - the elaboration and improvement of indicators of complex assessment of effects on the environment, the methods and techniques for the determination thereof;
 - the development and creation of best technologies in the field of environmental protection and rational use of natural

resources;
the elaboration of programs for rehabilitating territories classified as ecological disaster zones;
the elaboration of measures for preservation and development of the natural potential and recreational potential of the Russian Federation;
for other purposes in the field of environmental protection.

3. Scientific research in the field of environmental protection shall be carried out by scientific organizations in keeping with the federal law on science and state scientific and technological policy.

Chapter XIII. The Fundamentals of Shaping Up an Ecological Culture

Article 71. The General and Comprehensive Nature of Ecological Culture

For the purposes of the shaping up of an ecological culture and professional training of environmental protection specialists a general and comprehensive ecological education system is established which incorporates pre-school and general education, secondary vocational and higher professional education, post-graduate professional studies, vocational/professional re-training and upgrading and also dissemination of ecological knowledge, in particular, by means of the mass media, museums, libraries, culture institutions, nature preservation institutions, sports and tourism organizations.

Article 72. Teaching in Ecology in Educational Institutions

1. In pre-school educational institutions, general education institutions and additional education institutions, irrespective of the orientation and organizational legal form thereof, the discipline "fundamentals of ecology" shall be taught.
2. According to the orientation of educational institutions engaged in vocational/professional training, re-training and upgrading of specialists arrangement shall be made for the teaching of the disciplines "environmental protection", "ecological safety" and "rational use of natural wealth".

Article 73. Training of the Heads of Organizations and Specialists in Environmental Protection and Ecological Safety

1. The heads of organizations and the specialists responsible for decision-making in the course of economic and other activities exerting or capable of exerting negative effects on the environment should have undergone training in the field of environmental protection and ecological safety.
2. The training of heads of organizations and specialists in the field of environmental protection and ecological safety responsible for decision-making in the course of economic and other activities exerting or capable of exerting negative effects on the environment shall be carried out in compliance with law.

Article 74. Ecological Enlightenment

1. Ecological enlightenment shall be pursued for the purposes of shaping up an ecological culture in the society, fostering a careful attitude to the nature, rational use of natural resources by means of disseminating ecological knowledge on ecological safety, information on the condition of the environment and on the use of natural resources.
2. Ecological enlightenment, in particular, the provision of information to the public on the environmental protection legislation and ecological safety legislation shall be pursued by the governmental bodies of the Russian Federation, the governmental bodies of Russian regions, local government bodies, public associations, the mass media and also by educational institutions, culture institutions, museums, libraries, nature preservation institutions, sports and tourism organizations, other legal entities.

Chapter XIV. Liabilities for a Breach of Environmental Protection Legislation and Settlement of Disputes in the Field of Environmental Protection

On the measures taken for eliminating ecological offences and holding persons at fault accountable, the paperwork see the Rules of State Ecological Control for the Officials of the Ministry of Environmental Protection and Natural Resources of the Russian Federation and the Territorial Bodies Thereof endorsed by the Ministry of Environmental Protection and Natural Resources of the Russian Federation on April 17, 1996.

Article 75. The Types of Liability for a Breach of the
Environmental Protection Legislation

Property, disciplinary, administrative and criminal liability under law is established for a breach of the environmental protection legislation.

See the Code of Administrative Offences of the RSFSR

On liability for an ecological crime see the Criminal Code of the Russian Federation No. 63- FZ of June 13, 1996

Article 76. Settling Disputes in the Field of Environmental
Protection

Disputes in the field of environmental protection shall be settled in a court in compliance with law.

Article 77. The Duty of a Full Compensation of a Damage
Inflicted to the Environment

1. The legal entities and natural persons which have inflicted a damage to the environment by polluting, depleting, damaging, destroying it, by irrational use of natural resources, degrading and destroying natural ecological systems, natural complexes and natural landscapes and another violation of the environmental protection legislation shall compensate it in full under law.
2. A damage to the environment inflicted by a person pursuing an economic or another activity, in particular an activity covered by a positive state ecological expert examination statement, including in particular, the activity of withdrawing components from the environment, shall be compensated by the customer and/or the person pursuing the economic or the other activity.
3. A damage inflicted to the environment by an economic or another agent shall be compensated in compliance with the rates and environmental damage calculation methods approved in the established manner, or in the absence thereof, on the basis of actual expenses incurred for restoration of deteriorated condition of the environment, with due regard to losses incurred, in particular profit missed.

Article 78. Procedure for Compensating a Damage Inflicted to
the Environment by a Breach of the Environmental Legislation

1. The compensation of a damage inflicted to the environment by a breach of the environmental protection legislation shall be

effected either voluntarily or under a court decision or an arbitration court decision.

The amount of damage inflicted to the environment by a breach of the environmental protection legislation shall be calculated on the basis of actual expenses incurred for the restoration of deteriorated condition of the environment with due regard to the losses incurred, including missed profit, and also in compliance with re-cultivation and other restoration works designs, or in the absence thereof, in compliance with the rates and methods for calculation of the amount of an environmental damage approved by the executive governmental bodies responsible for state administration in the field of environmental protection.

See the Methods for Assessing a Damage and Calculating the Amount of a Damage Resulting from Destruction of Animal Objects and Breaking of Their Habitat endorsed by the State Environmental Protection Committee of the Russian Federation on April 28, 2000

See the Methodological Directions on the Assessment and Compensation of a Damage Inflicted to the Environment as a Result of Ecological Offences endorsed by the State Environmental Protection Committee of the Russian Federation on September 6, 1999

See the Methods for Calculating the Amount of a Damage Resulting from Underground Water Pollution endorsed by the State Environmental Protection Committee of the Russian Federation, the Ministry of Natural Resources of the Russian Federation, the Ministry of Finance of the Russian Federation on February 11, 1998, May 31, June 1, 1999

See the rates for calculation of an amount of charge for a damage inflicted by legal entities and natural persons through an illegal recovery or destruction of animal objects classified as objects of hunting endorsed by Order of the Ministry of Agriculture and Foodstuffs of the Russian Federation No. 399 of May 25, 1999

2. Under a court decision or an arbitration court decision a harm inflicted to the environment by a breach of the environmental protection legislation may be compensated by means of vesting the defendant with the duty to restore the deteriorated condition of the environment on the defendant' own

account in compliance with a restoration works design.

3. An action relating to compensation of a harm inflicted to the environment by a breach of the environmental protection legislation may be brought within 20 years.

Article 79. Compensation of a Harm Inflicted to Citizens' Health and Property as a Result of a Breach of the Environmental Protection Legislation

1. A harm inflicted to citizens' health and property by a negative effect on the environment resulting from the economic and other activities of legal entities and natural persons shall be subject to compensation in full.

2. The determination of the scope and amount of compensation for a harm inflicted to citizens' health and property resulting from a breach of the environmental protection legislation shall be performed in compliance with law.

See the List of Regulatory Legal Documents Recommended for Use in the Assessment and Compensation of a Harm Inflicted as a Result of Ecological Offences endorsed by Order of the State Environmental Protection Committee of the Russian Federation No.448 of July 23, 1998

Article 80. Claims for Limitation, Suspension or Termination of Persons' Activities Pursued in Breach of the Environmental Protection Legislation

Claims for limitation, suspension or termination of persons' activities pursued in breach of the environmental protection legislation shall be considered by a court or an arbitration court.

Chapter XV. International Co-Operation in the Field of Environmental Protection

Article 81. The Principles of International Co-Operation in the Field of Environmental Protection

The Russian Federation shall pursue international co-operation in the field of environmental protection in keeping with the generally accepted principles and norms of international law and international treaties of the Russian Federation in the field of environmental protection.

See the Agreement on the Co-Operation of Member-States of the Commonwealth of Independent Countries in the Field of Ecology and Environmental Protection of February 8, 1992

Article 82. The International Treaties of the Russian Federation in the Field of Environmental Protection

1. The international treaties of the Russian Federation in the field of environmental protection which, for the purposes of their application, do not require the adoption of Russian national acts shall be applicable directly to relations emerging in the course of environmental protection activities. In other cases an international treaty of the Russian Federation on environmental protection shall be applied together with the relevant regulatory legal act that has been adopted for the purpose of implementing the provisions of the international treaty of the Russian Federation.

2. If the environmental protection rules set out in an international treaty of the Russian Federation differ from the rules set out in the present Federal Law the rules of the international treaty shall apply.

1. The international treaties of the Russian Federation in the field of environmental protection which, for the purposes of their application, do not require the adoption of Russian national acts shall be applicable directly to relations emerging in the course of environmental protection activities. In other cases an international treaty of the Russian Federation on environmental protection shall be applied together with the relevant regulatory legal act that has been adopted for the purpose of implementing the provisions of the international treaty of the Russian Federation.

2. If the environmental protection rules set out in an international treaty of the Russian Federation differ from the rules set out in the present Federal Law the rules of the international treaty shall apply.

Chapter XVI, Conclusive Provisions

Article 83. The Entry Into Force of the Present Federal Law

The present Federal Law shall enter into force as of the date of the formal publication thereof.

Article 84. Bringing Regulatory Legal Acts in Line with the Present Federal Law

1. The present Federal Law shall supersede the following, effective from the date of its entry into force:

Law of the RSFSR No. 2060-1 of December 19, 1991 on Environmental Protection (Gazette of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, item 457, No. 10, 1992), except for Article 84 which shall become invalid at the time of entry into force of the Code of Administrative Offences of the Russian Federation;

Law of the Russian Federation No. 2397-1 of February 21, 1992 on Amending Article 20 of the Law of the RSFSR on Environmental Protection (Gazette of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, item 459, No. 10, 1992);

Article 4 of Law of the Russian Federation No. 5076-1 on Amending the Law of the RSFSR on the Sanitary-Epidemiological Well-Being of the Population, the Law of the Russian Federation on Protection of Consumers' Rights, the Law of the Russian Federation on Environmental Protection (Gazette of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, item 1111, No. 29, 1993);

Federal Law No. 93-FZ of July 10, 2001 on Amending Article 50 of the Law of the RSFSR on Environmental Protection (Collection of the Legislation of the Russian Federation, item 2948, N 29, 2001). o. 29, 2001).

2. The Decision of the Supreme Soviet of the RSFSR No. 2061-1 of December 19, 1991 on the Procedure for Putting Into Force of the Law of the RSFSR on Environmental Protection (Gazette of the Congress of People's Deputies of the Russian Federation and the Supreme Soviet of the Russian Federation, item 458, No. 10, 1992) shall become invalid simultaneously with Article 84 of the Law of the RSFSR on Environmental Protection.

3. The President of the Russian Federation and the Government of the Russian Federation shall bring their regulatory legal acts in line with the present Federal Law.

President of the Russian Federation

V.Putin

Annex 583

Wastes Control Act, 11 April 2007, as amended from time to time and updated
in 2015

WASTES CONTROL ACT

Wholly Amended by Act No. 8371, Apr. 11, 2007

Amended by Act No. 8466, May 17, 2007

Act No. 8486, May 25, 2007

Act No. 8613, Aug. 3, 2007

Act No. 8789, Dec. 21, 2007

Act No. 9770, Jun. 9, 2009

Act No. 9931, Jan. 13, 2010

Act No. 10219, Mar. 31, 2010

Act No. 10389, Jul. 23, 2010

Act No. 10615, Apr. 28, 2011

Act No. 10888, Jul. 21, 2011

Act No. 11998, Aug. 6, 2013

Act No. 12321, Jan. 21, 2014

Act No. 13038, Jan. 20, 2015

Act No. 13411, Jul. 20, 2015

Article 1 (Purpose)

The purpose of this Act is to contribute to environmental conservation and the enhancement of the people's quality of life by reducing the generation of wastes to the maximum extent possible and treating generated wastes in an environment-friendly manner. *<Amended by Act No. 10389, Jul. 23, 2010>*

Article 2 (Definitions)

The terms used in this Act shall be defined as follows: *<Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009; Act No. 9931, Jan. 13, 2010; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>*

1. The term "wastes" means such materials as garbage, burnt refuse, sludge, waste oil, waste acid, waste alkali, and carcasses of animals, which have become no longer useful for human life or business activities;
2. The term "household wastes" means any wastes other than industrial wastes;
3. The term "industrial wastes" means any wastes generated from places of business with discharge or emission facilities installed and managed in accordance with the Clean Air Conservation Act, the Water Quality and Aquatic Ecosystem Conservation Act, or the Noise and Vibration Control Act, or any other places of business specified by Presidential Decree;

4. The term "designated wastes" means the industrial wastes specifically enumerated by Presidential Decree as harmful substances, such as waste oil and waste acid which may contaminate their surroundings, or medical wastes which may cause harm to human bodies;
5. The term "medical wastes" means the wastes specifically enumerated by Presidential Decree among the wastes discharged from public health and medical institutions, veterinary clinics, testing and inspection institutions and other similar institutions, which may cause harm to human bodies by infection or otherwise and need to be specially controlled for public health and environmental conservation such as parts and extracts of human bodies and carcasses of laboratory animals;
- 5-2. The term "medical waste-only container" means a container used to hold, collect, transport, or preserve any medical wastes to prevent infection or other hazards caused by medical wastes;
- 5-3. The term "treatment" means the collection, transportation, storage, recycling, and treatment of wastes;
6. The term "treatment" means both interim treatment, such as incineration, neutralization, fragmentation and solidification, and terminal treatment, such as landfill and discharging into the sea;
7. The term "recycling" means any of the following activities:
 - (a) Reusing or reclaiming wastes or making wastes reusable or reclaimable;
 - (b) Recovering energy prescribed in subparagraph 1 of Article 2 of the Energy Act or making such energy recoverable from wastes, or using wastes as fuel, as prescribed by Ordinance of the Ministry of Environment;
8. The term "waste treatment facilities" means both interim and terminal waste treatment facilities and waste recycling facilities, as specified by Presidential Decree;
9. The term "waste minimization facilities" means facilities specified by Presidential Decree for minimizing discharge of wastes by reducing the quantity of wastes generated in a manufacturing process and by recycling wastes within a place of business.

Article 2-2 (Detailed Classification of Wastes)

Detailed classification of wastes concerning the kinds and recycling types of wastes shall be prescribed by Ordinance of the Ministry of Environment in consideration of the generation source, constituents, harmfulness, etc. of wastes.

Article 3 (Scope of Application)

(1) This Act shall not apply to the following substances: <Amended by Act No. 8466, May 17, 2007; Act No. 8789, Dec. 21, 2007; Act No. 10389, Jul. 23, 2010; Act No. 10888, Jul. 21, 2011; Act No. 10911, Jul. 25, 2011; Act No. 13038, Jan. 20, 2015>

1. A radioactive substance prescribed in the Nuclear Safety Act or a material contaminated by such substance;
2. A gaseous substance not contained in a container;
3. Wastewater flowing into, or discharged into public waters from, a facility established for the prevention of water contamination prescribed in the Water Quality and Aquatic Ecosystem

Conservation Act;

4. Livestock excreta prescribed in the Act on the Management and Use of Livestock Excreta;

5. Sewage and excreta prescribed in the Sewerage Act;

6. A livestock carcass, a polluted thing, a thing subject to ban on importation, or a thing rejected in a quarantine inspection under Article 22 (2), 23, 33 or 44 of the Act on the Prevention of Contagious Animal Diseases;

7. A carcass of an aquatic animal, a polluted facility or thing, a thing subject to ban on importation, and a thing rejected in a quarantine inspection, to which Articles 17 (2), 18 and 34 (1) and subparagraphs of Article 25 (1) of the Aquatic Life Disease Control Act apply;

8. Ammunitions scrapped pursuant to Article 13-2 of the Act on the Management of Military Supplies;

9. A carcass of an animal treated at an animal cemetery established and operated by a person registered for funeral services for animals prescribed in Article 32 (1) of the Animal Protection Act.

(2) Discharging wastes into the sea under this Act shall be governed by the Marine Environment Management Act.

Article 3-2 (Basic Principles of Waste Management)

(1) Every business entity shall reduce the generation of wastes to the maximum extent possible by improving the manufacturing process, etc. of products and minimize the discharge of wastes by recycling his/her own wastes.

(2) Every person shall take prior appropriate measures with respect to the discharge of wastes to prevent any harm to environs or the health of residents.

(3) Waste treatment shall be properly managed in a manner that reduces their quantities and degree of hazard or otherwise is consistent with environmental conservation and the protection of the people's health.

(4) Any person who causes environmental pollution by discharging wastes shall be responsible for restoring the affected environs and bear the expenses incurred in restoring the damage caused by such pollution.

(5) To the extent possible, wastes generated domestically shall be treated within the Republic of Korea and the importation of wastes shall be restrained.

(6) Wastes shall be recycled rather than incinerated, buried, or treated in another way, in order to contribute to the improvement of resource productivity.

Article 4 (Duties of State and Local Governments)

(1) The Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu (the head of a Gu refers to the head of an autonomous Gu; hereinafter the same shall apply) shall ascertain the current status of wastes discharged and treated within his/her jurisdiction; install and operate waste treatment facilities so that wastes can be properly treated; conduct affairs relating to waste treatment efficiently by improving the methods of treating wastes and raising the skills and quality of the persons in charge; and endeavor to remind residents and business entities of the importance

of protecting the environment and to restrain the generation of wastes. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(2) The Special Metropolitan City Mayor, Metropolitan City Mayors, and Do Governors shall provide the heads of Sis/Guns/Gus with technical and financial assistance to help them fulfill their duties prescribed in paragraph (1) and shall also coordinate waste treatment services within their jurisdiction. <Amended by Act No. 8613, Aug. 3, 2007>

(3) The State shall ascertain the current status of designated wastes discharged and treated, and take measures necessary for proper treatment of such wastes.

(4) The State shall support research on and development of technology for waste treatment, provide the Special Metropolitan City Mayor, Metropolitan City Mayors, the Mayor of a Metropolitan Autonomous City, Do Governors, and the Governor of a Special Self-Governing Province (hereinafter referred to as "Mayor/Do Governor") and the head of each Si/Gun/Gu with technical and financial assistance necessary for them to fulfill their duties prescribed in paragraphs (1) and (2), and shall also coordinate waste treatment services with the Special Metropolitan City, Metropolitan Cities, Special Self-Governing Cities, Dos, and Special Self-Governing Provinces (hereinafter referred to as "City/Do"). <Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>

Article 5 (Multi-regional Waste Management)

(1) If the Minister of Environment, the Mayor/Do Governor or the head of a Si/Gun/Gu deems it necessary to treat wastes generated from at least two Cities/Dos or Sis/Guns/Gus with an integrated system for a multiple number of regions, he/she may solely or jointly install and operate multi-regional waste treatment facilities (including public treatment facilities for designated wastes).(1)

(2) The Minister of Environment, the Mayor/Do Governor, or the head of a Si/Gun/Gu may entrust a person designated by Ordinance of the Ministry of Environment to install or manage the multi-regional treatment facilities prescribed in paragraph (1).

Article 6 (Charges for Waste Treatment in Waste Treatment Facilities)

(1) An institution that has installed and operates a waste treatment facility prescribed in Article 4 (1) or 5 (1) may charge expenses incurred in treating wastes brought into the facility (hereinafter referred to as the "waste treatment charge") on persons who bring wastes into such facility.

(2) In cases falling under paragraph (1), where a waste treatment facility has been installed and is operated jointly by at least two local governments, the waste treatment charge shall be determined by an agreement between the local governments.

(3) The amount of waste treatment charge shall be prescribed by Ordinance of the Ministry of Environment if the State is responsible for collecting it, while such amount shall be prescribed by Municipal Ordinance if a local government is responsible for collecting it.

Article 7 (Citizens' Duties)

(1) Every citizen shall keep natural and living environments clean and endeavor to reduce and recycle wastes.

(2) Every owner, occupant, and manager of a parcel of land or a building shall endeavor to keep clean the parcel of land or building owned, occupied, or managed by him/her, and shall implement general clean-up in accordance with the plan prepared by the Mayor of a Special Self-Governing City the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>*

Article 8 (Prohibition against Dumping Wastes)

(1) No one shall treat wastes in any area other than the places and facilities provided for the collection of wastes by the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, the head of a Si/Gun/Gu, or the manager of a facility, such as a public park or road. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>*

(2) No one shall bury or incinerate wastes in any area other than the landfill sites permitted, approved or reported under this Act: Provided, That the foregoing shall not apply to incineration at places specified under the proviso to Article 14 (1), as prescribed by ordinance of the competent Special Self-Governing City, Special Self-Governing Province, or Si/Gun/Gu. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>*

(2) No one shall bury or incinerate wastes in any area other than the landfill sites permitted, approved or reported under this Act: Provided, That the foregoing shall not apply to incineration at places specified under the proviso to Article 14 (1), as prescribed by ordinance of the competent Metropolitan Autonomous City, Special Self-Governing Province, or Si/Gun/Gu. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>*

(3) The Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may order the owner, occupant, or manager of a parcel of land or building to take necessary measures in compliance with the relevant ordinance of the competent local government, if the owner, occupant, or manager fails to keep clean the property under his/her control pursuant to Article 7 (2). *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>*

Article 9 (Master Plans for Waste Management)

(1) The Mayor/Do Governor shall prepare a master plan for proper management of wastes generated within his/her jurisdiction once every ten years in compliance with the guidelines prescribed by the Minister of Environment, subject to the approval of the Minister of Environment. The foregoing shall also apply to any revision to any matter approved. In such cases, the Minister of Environment shall, whenever he/she approves a master plan or a revision thereto, consult with the heads of the relevant central administrative agencies.

(2) The head of a Si/Gun/Gu shall prepare a master plan for management of wastes generated within his/her jurisdiction once every ten years and submit it to the Mayor/Do Governor.

(3) The master plan prescribed in paragraphs (1) and (2) shall contain the following details:

1. Overview of the population, residential patterns, industrial structure, and distribution, geographical environment, etc. within his/her jurisdiction;

2. The quantity of wastes generated by categories and the estimated quantity of wastes in the future;
3. Current status of and future plan for waste management;
4. Matters concerning reduction, recycling, and conversion of wastes into resources;
5. Current status of food wastes treatment facilities installed and a plan to install such facilities;
6. Matters concerning collection, transportation, and storage of wastes and improvement of equipment and containers for wastes;
7. Plan for securing financial sources.

Article 10 (Comprehensive Plans for Waste Management)

(1) The Minister of Environment shall prepare a comprehensive plan for nationwide waste management based on the master plans for waste management under Article 9 (1) and the results of statistical researches on wastes under Article 11 (hereinafter referred to as a "comprehensive plan") once every ten years for proper management of wastes generated throughout the country.

(2) The Minister of Environment may review the feasibility of the comprehensive plan for revision once every five years after the date on which the comprehensive plan is finalized.

(3) If the comprehensive plan is revised under paragraph (2), the Mayor/Do Governor shall also revise the master plan for waste management under Article 9 (1), reflecting the revised details of the comprehensive plan in the master plan, and submit it to the Minister of Environment for approval.

(4) The master plan shall contain the following details:

1. Evaluation of the previous master plan;
2. Circumstances and prospects for waste management;
3. Basic principles of the master plan;
4. Policy on waste management by sectors;
5. Plan for securing financial sources.

Article 11 (Statistical Research on Wastes)

(1) The Minister of Environment, each Mayor/Do Governor, and the head of each Si/Gun/Gu shall conduct research on the current status of different types of wastes generated and treated, status of waste treatment business and other related industries, and resource productivity improvement including waste recycling rates, in order to secure basic data and information necessary for formulating policies on wastes.

<Amended by Act No. 10389, Jul. 23, 2010>

(2) Matters necessary for the items, timing, and methods of research conducted under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 10389, Jul. 23, 2010>*

Article 12 Deleted. *<by Act No. 13038, Jan. 20, 2015>*

Article 13 (Standards for Waste Treatment, etc.)

(1) Anyone who intends to treat wastes shall comply with the standards and methods prescribed by Presidential Decree: with respect to wastes that are made readily recyclable in view of the principles of recycling wastes and matters to be observed under Article 13-2 (hereinafter referred to as "intermediately processed wastes"), relaxed standards and methods may separately be prescribed by Presidential Decree.

<Amended by Act No. 10389, Jul. 23, 2010; Act No. 13411, Jul. 20, 2015>

(2) Medical wastes shall be treated by using medical waste-only containers that have passed inspections conducted in accordance with Article 25-2 (4) (hereinafter referred to as "exclusive container"). <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

Article 13-2 (Principles of Recycling Wastes and Matters to be Observed)

(1) Anyone may recycle wastes unless he/she violates any of following:

1. The wastes shall not cause harm to living environment by discharging airborne particulates, bad odor, volatile organic compounds, air pollutants, etc.;
2. The wastes shall not contaminate soil, hydroecological system, or underground water by leaking harmful substances, such as seeping water, heavy metals, etc.;
3. The wastes shall not cause harm to humans by generating noise or vibration;
4. He/she shall comply with the matters prescribed by Presidential Decree, such as the prevention of harm to humans or environment, in the course of using wastes as recycling products or raw materials by eliminating or stabilizing harmful substances including heavy metals;
5. He/she shall comply with the recycling standards prescribed by Ordinance of the Ministry of Environment.

(2) Notwithstanding paragraph (1), any of the following wastes shall be prohibited or restricted from recycling:

1. Asbestos wastes;
2. Wastes containing polychlorinated biphenyls (PCBs) in at least the concentration prescribed by Ordinance of the Ministry of Environment;
3. Medical wastes (excluding placenta);
4. Wastes prescribed by Presidential Decree among the wastes highly likely to cause harm to human bodies and environment, such as toxic wastes.

(3) The types and level of methods to prevent and reduce contamination and the matters to be observed, such as the standards, methods, etc. of dealing with wastes, to comply with the principles prescribed in the subparagraphs of paragraph (1) and (2) shall be prescribed by Ordinance of the Ministry of Environment.

Article 13-3 (Environmental Assessment when Recycling Wastes)

(1) Notwithstanding Article 13-2 (1), any of the following persons shall undergo assessment of the methods to evade or eliminate harmful effects caused by recycling of the relevant wastes on human health or environment by examining and predicting such effects and the adequacy of recycling technology (hereinafter referred to as "environmental assessment of recycling"), conducted by an agency for environmental assessment of recycling under Article 13-4 (1). The same shall also apply where any important matters prescribed by Ordinance of the Ministry of Environment, including the kinds of wastes and the types of recycling, are changed:

1. A person who intends to recycle wastes or any material made by mixing wastes with soil, etc., in the amount of at least that prescribed by Ordinance of the Ministry of Environment, for such use as cover

soil, fill material, road substratum material, etc. or by means prescribed by Ordinance of the Ministry of Environment by bring them into contact with soil, underground water, surface water, etc. (including where at least two persons intend to recycle them jointly);

2. A person who intends to recycle wastes for which no principles of recycling wastes or matters to be observed are determined under Article 13-2.

(2) Notwithstanding paragraph (1), a person who intends to manufacture any fertilizers, the legal standards for which have been formulated under Article 4 of the Fertilizer Control Act, or a person who intends to recycle wastes by the methods prescribed by Ordinance of the Ministry of Environment, may recycle the relevant wastes without undergoing an environmental assessment of recycling.

(3) A person who has undergone an environmental assessment of recycling under paragraph (1) shall submit the results thereof to the Minister of Environment and obtain his/her approval for the recycling of the relevant wastes.

(4) After examining whether the applicant meets the requirements for approval prescribed by Presidential Decree in consideration of the results of the environmental assessment of recycling received pursuant to paragraph (3), the Minister of Environment may grant approval under paragraph (3).

(5) In granting approval pursuant to paragraph (4), the Minister of Environment may impose conditions prescribed by Ordinance of the Ministry of Environment, such as the term of validity of the approval and the quantity of wastes, to reduce harm, etc. to be caused to national health or environment.

(6) Where a person who has obtained approval under paragraph (3) falls under any of the following, the Minister of Environment shall revoke such approval. In such cases, if the approval is revoked, the recycling of the relevant wastes shall be suspended without delay:

1. Where he/she recycles wastes differently from the matters approved pursuant to paragraph (3);

2. Where he/she submits the results of an environmental assessment of recycling pursuant to paragraph (3) by deceit or other illegal means;

3. Where he/she violates any condition of approval imposed pursuant to paragraph (5).

(7) Except as otherwise prescribed in paragraphs (1) through (6), matters necessary for procedures and methods of environmental assessment of recycling, procedures for approval, etc. shall be prescribed by Ordinance of the Ministry of Environment.

Article 13-4 (Designation, etc. of Agency for Environmental Assessment of Recycling)

(1) The Minister of Environment shall, for the specialized and technical environmental assessment of recycling, designate an agency for environmental assessment of recycling among the following institutions or organizations and issue a certificate of designation:

1. National or public research institutes;

2. The Korea Environment Corporation under the Korea Environment Corporation Act;

3. Other institutions or organizations prescribed by Presidential Decree.

(2) A person who intends to be designated as an agency for environmental assessment of recycling shall file an application with the Minister of Environment meeting the requirements for technical personnel,

facilities, equipment, etc. prescribed by Ordinance of the Ministry of Environment. The same shall also apply where he/she intends to modify any important matters prescribed by Ordinance of the Ministry of Environment.

(3) Upon receipt of a request for an environmental assessment of recycling, an agency for environmental assessment of recycling shall prepare a report on environmental assessment of recycling including the following matters, in accordance with the standards and methods prescribed by Ordinance of the Ministry of Environment:

1. Current status of the area subject to environmental assessment;
 2. Prediction and assessment of environment effects pertaining to the recycling of wastes, including the effects of wastes or materials made by adding wastes on soil, underground water and surface water when they leach out;
 3. Measures for preventing and eliminating environmental risks;
 4. Plans for monitoring environmental change;
 5. Matters prescribed by Ordinance of the Ministry of Environment for the environmental assessment of recycling of wastes for which no principles or matters to be observed are formulated under Article 13-2.
- (4) No agency for environmental assessment of recycling shall allow a third party to conduct any environmental assessment of recycling using its name or trade name or lend its certificate of designation as an agency for environmental assessment of recycling.
- (5) The Minister of Environment shall periodically examine whether the operation of an agency for environmental assessment of recycling is appropriate.
- (6) Where an agency for environmental assessment of recycling falls under any of the following, the Minister of Environment may revoke the designation or order a suspension of business fixing a period not exceeding six months: Provided, That in cases falling under subparagraph 1 or 2, such designation shall be revoked:

1. Where it has obtained the designation or designation for modification by deceit or other illegal means;
2. Where it has conducted any environmental assessment of recycling during the business suspension period;
3. Where it has failed to meet the requirements for designation prescribed in the former part of paragraph (2);
4. Where it has modified any important matters without obtaining designation for modification, in violation of the latter part of paragraph (2);
5. Where it has prepared a report on environmental assessment of recycling under paragraph (3) by deceit or other illegal means;
6. Where it has allowed a third party to conduct any environmental assessment of recycling using its name or trade name or has lent its certificate of designation as an agency for environmental assessment of recycling, in violation of paragraph (4).

(7) Except as otherwise prescribed in paragraphs (1) through (6), necessary matters concerning the standards and procedures for designation of an agency for environmental assessment of recycling, periodic inspection, etc. shall be prescribed by Ordinance of the Ministry of Environment.

(8) Subparagraphs 1 through 4 and 6 of Article 26 shall apply mutatis mutandis to the grounds for disqualification of an agency for environmental assessment of recycling referred to in paragraph (1). In such cases, "waste management business" shall be construed as "agency for environmental assessment of recycling" and "permit" as "designation".

Article 13-5 (Hazard Criteria of Recycled Products or Materials)

(1) Where the Minister of Environment deems that any products or materials that are produced by recycling wastes may cause harm to human health or the environment, he/she shall formulate and publicize the Hazard Criteria of such recycled products or materials (hereinafter referred to as "Hazard Criteria") after consulting with the heads of the central administrative agencies.

(2) No person shall manufacture or distribute recycled products or materials using wastes that fail to meet the Hazard Criteria.

(3) The Minister of Environment may test, analyze, or investigate the actual conditions of manufacturing or distribution of any products or materials produced by recycling wastes in order to ascertain whether they are in compliance with the Hazard Criteria thereof.

(4) Matters necessary for the testing, analysis, and investigation of actual conditions under paragraph (3) shall be prescribed by Ordinance of the Ministry of Environment.

(5) If, as a result of the testing, analysis or investigation of actual conditions under paragraph (3), a person is found to have manufactured or distributed any products or materials in violation of the Hazard Criteria, the Minister of Environment may order him/her to take necessary actions, such as the recall and destruction of the relevant products or materials.

(6) Where the Minister of Environment deems that any products or materials, the Hazard Criteria of which are publicized pursuant to paragraph (1) and which are manufactured by recycling wastes require a certain control, he/she may enter into an agreement with the head of the relevant local government, the manufacturer of the said products or materials, etc. that requires them to disclose the use and quantities of each type of wastes, the heavy metal contents of such wastes, and other information.

Article 14 (Treatment, etc. of Household Wastes)

(1) The Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall be responsible for treating household wastes discharged within his/her jurisdiction: Provided, That a specific area designated by the Mayor of Metropolitan Autonomous City, the Governor of a Special Self-Governing Province or, the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment, shall be excluded from his/her jurisdictional areas. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>*

(2) The Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may authorize a person specified by Presidential Decree to treat household

wastes prescribed in paragraph (1) on his/her behalf, as prescribed by ordinance of the competent local government. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>*

(3) Notwithstanding the main sentence of paragraph (1), and paragraph (2), any person who has filed a report on waste treatment pursuant to Article 46 (1) (hereinafter referred to as "person who has filed a report on waste treatment") may collect, transport, or recycle the wastes specified by Ordinance of the Ministry of Environment, such as waste paper, scrap metal, and waste cooking oil (only permitted where waste cooking oil classified as household wastes is collected and transported by a special storage tank or container sealed with no chance of leakage), among household wastes. *<Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>*

(4) A person who collects and transports household wastes prescribed in paragraph (3) may transfer the wastes specified by Ordinance of the Ministry of Environment, among household wastes collected by him/her, to any of the following persons: *<Newly Inserted by Act No. 11914, Jul. 16, 2013>*

1. A person who directly collects and recycles wastes generated from products and packing materials manufactured, imported, or sold by him/her (including persons specified by Ordinance of the Ministry of Environment, among persons entrusted with recycling), among manufacturers or importers of products and packing materials specified in Article 16 (1) of the Act on the Promotion of Saving and Recycling of Resources;
2. A person who has obtained permission for waste recycling business specified in Article 25 (5) 5 or 7;
3. A person who has filed a report on waste treatment;
4. Any other persons specified by Ordinance of the Ministry of Environment.

(5) The Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may collect service charges for the treatment of household wastes pursuant to paragraph (1), depending on the kind, quantity, etc. of the household wastes discharged. In such cases, the service charges shall be collected in the manner of selling standard waste bags, waste marks, etc. (hereinafter referred to as "standard waste bags and marks"), as prescribed by ordinance of the competent local government; but the service charges for food wastes may be collected in the manner of charging an amount calculated according to the discharged quantity. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>*

(6) When the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to impose and collect service charges for the treatment of food wastes pursuant to paragraph (5), he/she may use the electronic information processing program under Article 45 (2). In such cases, information required for calculating service charges shall be entered in the electronic information processing program prescribed in Article 45 (2), as prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 11914, Jul. 16, 2013>*

(7) The Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may authorize a person to produce, distribute, or sell standard waste bags and marks on his/her behalf, as prescribed by municipal ordinances. *<Newly Inserted by Act No. 10389, Jul. 23,*

2010; Act No. 11914, Jul. 16, 2013>

(8) When the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to authorize a person to collect and transport household wastes on his/her behalf pursuant to paragraph (2), he/she shall comply with the following: <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015>

1. The cost shall be calculated in accordance with the standards prescribed by Ordinance of the Ministry of Environment, and the initial calculation thereof shall be entrusted to any cost accounting service agency provided for in Article 9 of the Enforcement Rule of the Act on Contracts to which a Local Government is a Party;
2. The standards for evaluating the performance of persons authorized to collect and transport household wastes on behalf of local authorities (including the levels of resident satisfaction and the working conditions of street cleaners) shall be prescribed by ordinance of each local government, and the performance shall be evaluated at least once a year according to the evaluation standards. In such cases, each local government shall organize an evaluation team with civilian experts, etc. to evaluate the performance of such persons;
3. If the evaluation of performance is completed pursuant to subparagraph 2, the results shall be posted on the website of relevant local government for at least six months from the date of such evaluation, and if the results of such evaluation reveal that the standards prescribed by ordinance of the relevant local government are not met, measures, such as business suspension and the cancellation of the contract for collection and transportation of household wastes on behalf of local authorities shall be taken, as prescribed by Ordinance of the Ministry of Environment;
4. If a contract for collection and transportation of household wastes on behalf of local authorities is concluded, the terms and conditions of such contract shall be posted on the website of the local government for at least six months from the date of such conclusion;
5. Upon the expiration of a contract for collection and transportation of household wastes on behalf of local authorities under subparagraph 4, the details of expenditure incurred in such collection and transportation shall be posted on the website of the relevant local government within six months from the date of such expiration, for at least six months;
6. If a person (including the representative of a corporation) who collects and transports household wastes on behalf of local authorities is sentenced to any of the following punishments, the contract for vicarious execution shall be cancelled without delay:
 - (a) Where he/she is sentenced to a punishment of a fine or heavier punishment by committing a crime that falls under Article 133 of the Criminal Act;
 - (b) Where he/she is sentenced to a punishment of a fine or heavier punishment (in cases of punishment of a fine, limited to a fine of at least three million won) by committing a crime that falls under Article 347, 347-2, 356, or 357 of the Criminal Act (in cases falling under Article 347 or 356,

including cases where he/she is aggravatingly punished under Article 3 of the Act on the Aggravated Punishment, etc. of Specific Economic Crimes);

7. Any person who has been sentenced to punishment that falls under any item of subparagraph 6 in relation to a contract to collect and transport household wastes on behalf of local authorities, and for whom three years have yet to elapse from the date of such sentence shall not be entitled to enter into any contract to collect and transport household wastes.

(9) If the Minister of Environment deems it necessary in relation to collection and transportation of household wastes on behalf of local authorities, he/she may require the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu to submit necessary data or to take corrective measures, and may inspect and ascertain whether standards for the collection and transportation of household wastes are complied with. Upon receipt of a request from the Minister of Environment to submit necessary data or to take corrective measures in such cases, the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu shall comply therewith, in the absence of extenuating circumstances. *<Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014>*

Article 14-2 (Imposition of Penalty Surcharges on Persons Authorized to Collect and Transport Household Wastes)

(1) Where the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu intends to order any person authorized to collect and transport household wastes on his/her behalf to suspend the business under Article 14 (8) 3, he/she may impose a penalty surcharge not exceeding 100 million won on such person in lieu of the suspension of business, as prescribed by Presidential Decree, if the suspension of business is likely to result in the accumulation of wastes not properly treated, and consequently causes or is likely to cause harm to the health of local residents.

(2) Unpaid penalty surcharges imposed under paragraph (1) shall be collected in the same manner as delinquent local taxes are collected.

(3) Penalty surcharges collected under paragraphs (1) and (2) shall become the revenue of the relevant Metropolitan Autonomous City, Special Self-Governing Province, or Si/Gun/Gu, and shall be used for the purposes of use specified by Presidential Decree, including the expansion of multi-regional waste treatment facilities.

Article 14-3 (Formulation, etc. of Plans to Restrain Generation of Food Wastes)

(1) In order to reduce the generation of food wastes (including agricultural, fishery, and livestock wastes; the same shall apply hereinafter) generated to the maximum extent possible within the jurisdiction of the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, and properly treat food wastes generated, he/she shall formulate and implement a plan to restrain the generation of food wastes, including the following matters, and shall annually evaluate the outcomes of implementation thereof:

1. The current status of the generation and treatment of food wastes;
 2. The estimated quantity of food wastes generated in the future and a plan for proper treatment of the wastes;
 3. The targets goals for restraining the generation of food wastes and a strategic plan for achieving the target goals;
 4. The current status of food wastes treatment facilities installed and a plan to install such facilities;
 5. A strategic plan for technical and financial assistance in restraining the generation of food wastes and properly treating such wastes (including a plan for securing funds therefor).
- (2) The interval for formulating a plan under paragraph (1), the method of evaluation, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 15 (Cooperation, etc. of Household Waste dischargers in Treatment)

- (1) The owner, occupant, or manager of a parcel of land or a building from which household wastes are discharged (hereinafter referred to as "household waste discharger") shall either treat such wastes directly in a manner to avoid any harm to the conservation of the living environment or reduce the discharged quantity of wastes, as prescribed by ordinance of the competent Metropolitan Autonomous City, Special Self-Governing Province, or Si/Gun/Gu. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>*
- (2) Each household waste discharger shall separate household wastes that he/she is unable to treat directly under paragraph (1) and shall separately keep such wastes by type, nature, and condition, as prescribed by ordinance of the competent Metropolitan Autonomous City, Special Self -Governing Province, or Si/Gun/Gu. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>*
- (3) Deleted. *<by Act No. 11914, Jul. 16, 2013>*

Article 15-2 (Obligations of Persons Discharging Food Wastes, etc.)

- (1) Any of the persons specified by Presidential Decree, among persons who discharge large quantities of food wastes, shall comply with rules prescribed by ordinance of the competent Metropolitan Autonomous City, Special Self-Governing Province, or Si/Gun/Gu, for restraining the generation of food wastes and properly treating such wastes.
- (2) A person discharging food wastes under paragraph (1) shall report on his/her plan to restrain the generation of food wastes and properly treat such wastes to the competent local authority, such as the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to modifications to any reported matters specified by Ordinance of the Ministry of Environment.
- (3) Notwithstanding Article 14 (1) or 18 (1), a person discharging food wastes under paragraph (1) shall collect, transport, or recycle generated food wastes directly or entrust any of the following persons with the collection, transportation, or recycling of such wastes:
1. A person who has installed and operates a waste treatment facility under Article 4 or 5;

2. A person who has obtained permission for waste collection and transportation business under Article 25 (5) 1;
 3. A person who has obtained permission for waste recycling business under any provision of Article 25 (5) 5 through 7;
 4. A person who has filed a report on waste treatment (limited to the persons who have filed a report on the treatment of food wastes for recycling).
- (4) Persons discharging food wastes under paragraph (1) may jointly collect, transport, or recycle food wastes generated from each place of business, as prescribed by Ordinance of the Ministry of Environment, or may jointly install and operate waste treatment facilities. In such cases, they shall establish a joint steering organization, and appoint one representative of the organization.

Article 16 (Conclusion of Agreements)

- (1) The Mayor/Do Governor or the head of a Si/Gun/Gu may enter into agreements with persons who discharge wastes within his/her jurisdiction or an organization of such persons in order to restrain the generation of wastes and properly treat such wastes.
- (2) Matters necessary for the objectives of the agreement under paragraph (1) and the method of and procedure for performance of such agreements shall be prescribed by ordinance of the competent local government.
- (3) The Mayor/Do Governor or the head of a Si/Gun/Gu may provide a person who enters into agreements with the competent local government under paragraph (1) with such support as necessary for performing such agreements.

Article 17 (Obligations, etc. of Industrial Waste dischargers)

- (1) A person who discharges wastes from his/her place of business (hereinafter referred to as "industrial waste discharger") shall comply with the following provisions: *<Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>*

1. He/she shall request a waste analysis agency prescribed in Article 17-2 (1) to ascertain in advance whether any wastes which can be classified as designated wastes depending on the content of toxic substances prescribed by Ordinance of the Ministry of Environment, among wastes generated from his/her place of business, fall under designated wastes;
- 1-2. He/she shall treat all wastes generated from his/her place of business in compliance with the standards and methods for waste treatment under Article 13 and the principles of recycling wastes and matters to be observed under Article 13-2;
2. The generation of industrial wastes shall reduced to the maximum extent possible by installing waste-reducing facilities in a manufacturing process, developing technology, recycling wastes, and in any other way;
3. An industrial waste discharger who intends to entrust waste treatment to someone under Article 18 (1) shall ascertain whether the entrusted person has the capability to treat wastes in compliance with the standards for and methods of waste treatment under Article 13 or in view of the principles of recycling

wastes and matters to be observed under Article 13-2 before such entrustment: Provided, That the foregoing shall not apply where he/she entrusts waste treatment to a person who has installed and operates waste treatment facilities under Article 4 or 5.

(2) Industrial waste dischargers specified by Ordinance of the Ministry of Environment shall report on the types and quantity of industrial wastes generated, to the Mayor of a Metropolitan Autonomous City, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to any modification to reported matters specified by Ordinance of the Ministry of Environment. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>*

(3) A business entity that discharges designated wastes prescribed by Ordinance of the Ministry of Environment shall submit each of the following documents to the Minister of Environment for verification before processing such wastes under Article 18 (1): Provided, That where persons prescribed by Ordinance of the Ministry of Environment, including those operating a motor vehicle maintenance business as defined in subparagraph 8 of Article 2 of the Motor Vehicle Management Act, collect and transport designated wastes together with other persons, their representative shall submit such documents to the Minister of Environment for verification: *<Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 13038, Jan. 20, 2015>*

1. Waste treatment plans including the following matters:

- (a) Trade name, locations of the places of business, and category of business;
- (b) Types and volume of wastes to be discharged, and interval for discharge;
- (c) Plan for transport and treatment of wastes;
- (d) Plan for joint treatment of wastes (applicable only to cases of joint treatment);
- (e) Other matters prescribed by Ordinance of the Ministry of Environment;

2. Waste analysis reports prepared by a waste analysis agency prescribed in Article 17-2 (1);

3. If the treatment of designated wastes is entrusted, documents attesting the acceptance of entrustment from a person entrusted with such affairs.

(4) If a person who has obtained verification under paragraph (3) falls under any of the following cases, he/she shall submit relevant documents to the Minister of Environment and obtain the verification of such modification: *<Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015>*

- 1. Where he/she intends to change his/her trade name;
- 2. Where he/she intends to change the location of his/her place of business;
- 3. Where the monthly average volume of designated wastes discharged (which shall be calculated based on the quantity discharged for one year after obtaining verification or verification for modification) is at least 10 percent and is increasing by at least the percentage prescribed by Ordinance of the Ministry of Environment;

4. Where the volume of designated wastes newly or additionally discharged (in cases of additional discharge, the quantity shall be calculated by adding the quantity previously discharged) falls under a case subject to the verification of a plan for treatment of controlled wastes referred to in paragraph (3);
5. Where he/she intends to change the treatment method by kind of designated wastes or a waste treatment business operator;
6. Where he/she intends to alter the number of places of business for joint treatment or the kinds of wastes jointly treated (applicable only to cases of joint treatment).

(5) Industrial waste dischargers operating the type of business prescribed by Presidential Decree in excess of any of the scales prescribed by Presidential Decree comply with the guidelines publicized by the Minister of Environment and the heads of relevant central administrative agencies jointly in accordance with the basic policy and procedure prescribed by Ordinance of the Ministry of Environment in order to restrain the generation of industrial wastes under paragraph (1) 2. *<Amended by Act No. 8613, Aug. 3, 2007>*

(6) If an industrial waste discharger transfers his/her business to another person or dies, or a corporation discharging industrial wastes is merged with another corporation, the transferee or successor, or the corporation surviving the merger or resulting from the consolidation shall succeed to the rights and obligations relating to such industrial wastes. *<Amended by Act No. 8613, Aug. 3, 2007>*

(7) A person who has acquired the whole or any part of the place of business of an industrial waste discharger by an auction under the Civil Execution Act, the realization of property under the Debtor Rehabilitation and Bankruptcy Act, the sale of seized property under the National Tax Collection Act, the Customs Act or the Framework Act on Local Taxes, or other procedures corresponding thereto, shall succeed to the rights and obligations relating to such industrial wastes. *<Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10219, Mar. 31, 2010; Act No. 10389, Jul. 23, 2010>*

Article 17-2 (Designation of Professional Waste Analysis Agencies)

(1) In order to perform specialized affairs relating to the testing and analysis of wastes, the Minister of Environment may designate any of the following agencies as a specialized agency for testing and analysis of wastes (hereinafter referred to as "professional waste analysis agency"):

1. The Korea Environment Corporation under the Korea Environment Corporation Act (hereinafter referred to as the "Korea Environment Corporation");
2. The Sudokwon Landfill Site Management Corporation under the Act on the Establishment and Management of Sudokwon Landfill Site Management Corporation;
3. The Public Health and Environment Research Institute under the Public Health and Environment Research Institute Act;
4. Other institutions deemed by the Minister of Environment as having capability in the testing and analysis of wastes.

(2) If any institution under paragraph (1) 4 intends to be designated as a professional waste analysis agency, it shall file an application for designation with the Minister of Environment after being equipped with facilities, equipment, and technical ability prescribed by Presidential Decree.

(3) If an institution designated as a professional waste analysis agency under paragraph (1) 4 intends to modify any of the important matters prescribed by Ordinance of the Ministry of Environment, it shall obtain designation for modification of such matter from the Minister of Environment.

(4) When designating an institution referred to in any subparagraph of paragraph (1) as a professional waste analysis agency, or designating for modification, the Minister of Environment shall issue a certificate of designation to the relevant agency and publicly announce the details thereof by publishing them in the Official Gazette or posting them on its website, etc.

(5) Article 26 shall apply mutatis mutandis to disqualifications for a professional waste analysis agency referred to in paragraph (1) 4. In such cases, "waste management business" shall be construed as "professional waste analysis agency", "permission" as "designation", and "Article 27 (excluding paragraphs (1) 2 and (2) 20)" as "Article 17-5 (excluding paragraphs (1) 2 and (2) 6)", respectively.

Article 17-3 (Matters to be Observed by Professional Waste Analysis Agencies)

(1) No professional waste analysis agency shall allow another person to use its name or trade name in performing any affairs relating to the testing and analysis of wastes nor shall it lend its certificate of designation to another person.

(2) Each professional waste analysis agency shall comply with the standards for fair testing of environmental pollution in the field of wastes under Article 6 of the Environmental Testing and Inspection Act.

(3) In addition to the matters to be observed under paragraphs (1) and (2), each professional waste analysis agency shall comply with the matters to be observed, prescribed by Ordinance of the Ministry of Environment, including keeping records of, preservation, etc. of the results of testing and analysis.

Article 17-4 (Evaluation of Professional Waste Analysis Agencies)

(1) The Minister of Environment may evaluate testing and analysis capabilities of professional waste analysis agencies.

(2) Items to be evaluated, standards, methods, etc. for the evaluation under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 17-5 (Revocation, etc. of Designation of Professional Waste Analysis Agencies)

(1) If any professional waste analysis agency falls under any of the following cases, the Minister of Environment shall revoke its designation:

1. Where the designation has been obtained by fraud or other improper means;
2. Where it falls under any of the disqualifications prescribed in subparagraphs of Article 26 which applies mutatis mutandis under Article 17-2 (5): Provided, That where any executive officers of a corporation falls under subparagraph 6 of Article 26, the same shall not apply if another executive officer is appointed to replace him/her within two months from the date the ground for disqualification has occurred;
3. Where it performs any affairs relating to testing or analysis during a period of business suspension.

(2) If any professional waste analysis agency falls under any of the following cases, the Minister of Environment may revoke the designation or order to fully or partially suspend its business for a fixed period within six months:

1. Where it fails to meet the standards for facilities, equipment and technical ability referred to in Article 17-2 (2);
2. Where it modifies any designated matter without obtaining designation for modification under Article 17-2 (3);
3. Where it violates any of the matters to be observed under Article 17-3;
4. Where the result of evaluation conducted under Article 17-4 fails to meet any of the standards prescribed by Ordinance of the Ministry of Environment;
5. Where it issues any waste analysis report, the content of which is different from the fact, intentionally or by gross negligence;
6. Where it fails to commence its business within one year after being designated, or suspends its business continuously for at least one year without any justifiable grounds.

(3) Upon revoking designation or ordering business suspension under paragraph (1) or (2), the Minister of Environment shall announce the details thereof in the way of publishing them in the Official Gazette, posting on website, etc.

Article 18 (Treatment of Industrial Wastes)

(1) Every industrial waste discharger shall either treat wastes generated from his/her place of business by him/herself or entrust the treatment of such wastes to a person who has obtained permission for waste treatment business under Article 25 (3), a person who has filed a report on waste treatment, a person who has installed and operates a waste treatment facility under Article 4 or 5, a person who has obtained permission for industrial waste treatment business under Article 21 of the Construction Waste Recycling Promotion Act, or a person who has filed for registration of the business of discharging wastes into the sea under Article 70 (1) 1 of the Marine Environment Management Act. *<Amended by Act No. 10389, Jul. 23, 2010>*

(2) Deleted. *<by Act No. 13411, Jul. 20, 2015>*

(3) A person who discharges, collects, transports, recycles, or treats any industrial wastes specified by Ordinance of the Ministry of Environment shall record matters concerning the delivery and receipt of wastes on the electronic information processing program under Article 45 (2), as prescribed by Ordinance of the Ministry of Environment, whenever he/she discharges, collects, transports, recycles, or treats such wastes: Provided, That in cases of medical wastes, such matters shall be recorded in the electronic information processing program under Article 45 (2), as prescribed by Ordinance of the Ministry of Environment, by means of radio frequency. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>*

(4) The Minister of Environment shall make information on delivery and receipt of wastes recorded under paragraph (3) available to, and printable by a person who discharges, collects, and transports, recycles, or

treats such wastes, and the process of discharging, collecting and transporting, recycling, or treating such wastes searchable and verifiable by the head of the competent Si/Gun/Gu or the Mayor/Do Governor having jurisdiction over the person who discharges, collects and transports, recycles, or treats such wastes.

<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(5) At least two industrial waste dischargers as specified by Ordinance of the Ministry of Environment may jointly collect, transport, recycle or treat wastes generated from their places of business, as prescribed by Ordinance of the Ministry of Environment. In such cases, such industrial waste dischargers may establish a joint operating organization, appoint one of them as the representative of such joint operating organization, and jointly install and operate waste treatment facilities. *<Amended by Act No. 10389, Jul. 23, 2010>*

(6) Deleted. *<by Act No. 8613, Aug. 3, 2007>*

Article 19 (Obligations of Industrial Waste Treatment Business Entities)

(1) A person who transports industrial wastes pursuant to Article 18 (3) shall be well aware of a delivery number needed to ascertain information concerning the delivery and receipt of wastes recorded on the electronic information processing program under Article 45 (2) while transporting such wastes, and notify the competent administrative agencies or their public officials of such delivery number upon their request.

<Amended by Act No. 10389, Jul. 23, 2010>

(2) If a person who is entrusted to treat wastes is unable to industrial wastes specified by Ordinance of the Ministry of Environment due to business suspension, temporary shutdown, permanent closure of his/her business, prohibition, etc. from use of waste treatment facilities, he/she shall inform the waste dischargers who have entrusted him/her to treat such wastes of such fact, without delay, as prescribed by Ordinance of the Ministry of Environment.

Articles 20 and 23 Deleted. *<by Act No. 8613, Aug. 3, 2007>*

Article 24 Deleted. *<by Act No. 13411, Jul. 20, 2015>*

Article 24-2 (Declaration for Import or Export of Wastes)

(1) A person who intends to import or export waste specified and publicly notified by the Minister of Environment shall, as prescribed by Ordinance of the Ministry of Environment, file a declaration with the Minister of Environment along with documents stating matters prescribed by Ordinance of the Ministry of Environment, such as the types and quantity of wastes and plans for treatment, etc.

(2) In order to modify any major matter prescribed by Ordinance of the Ministry of Environment, among the matters declared under paragraph (1), a modification of declaration shall be filed.

(3) If a person who has filed a declaration under paragraph (1) or (2) falls under any of the following subparagraphs, the Minister of Environment may order him/her to take the relevant wastes out of the country or otherwise to take necessary measures: *<Newly Inserted by Act No. 10389, Jul. 23, 2010>*

1. Where he/she has imported any wastes that are different from those declared pursuant to paragraph (1) or (2);

2. Where he/she has imported any wastes that cause or are likely to cause any harm to public health or environmental conservation, which was unexpected at the time of filing a declaration thereon pursuant to paragraph (1) or (2).

Article 24-3 (Treatment, etc. of Imported Wastes)

(1) A person who has filed an import declaration under Article 24-2 (1), or a person who has obtained permission for importation under the Act on the Transboundary Movement of Hazardous Wastes and Their Disposal shall treat such imported wastes (hereinafter referred to as "imported wastes") directly or entrust the treatment of such wastes to any of the following persons: *<Amended by Act No. 10389, Jul. 23, 2010; Act No. 11980, Jul. 30, 2013>*

1. A person who has installed and operates waste treatment facilities under Article 4 or 5;
2. A person who has obtained permission for waste treatment business under Article 25 (3);
3. A person who has filed a declaration on waste treatment.

(2) A person who has filed an import declaration under Article 24-2 (1), or who transports, recycles, or treats such imported wastes shall record matters concerning the delivery and receipt of wastes on the electronic information processing program under Article 45 (2), as prescribed by Ordinance of the Ministry of Environment, whenever he/she imports, transports, recycles, or treats such wastes. *<Amended by Act No. 10389, Jul. 23, 2010>*

(3) A person who transports wastes imported under Article 24-2 (1) shall be well aware of a delivery number needed to ascertain information concerning the delivery and receipt of wastes recorded on the electronic information processing program under Article 45 (2) while transporting such wastes, and notify the competent administrative agencies or their public officials of such number upon request. *<Amended by Act No. 10389, Jul. 23, 2010>*

(4) A person who treats imported wastes shall do so in accordance with the standards for and methods of treating industrial wastes, among those standards for and methods of waste treatment pursuant to Article 13, or the principles of recycling wastes or matters to be observed under Article 13-2. *<Amended by Act No. 10389, Jul. 23, 2010; Act No. 13411, Jul. 20, 2015>*

(5) No imported wastes may be exported in the same state or condition as they were imported.

Article 25 (Waste Treatment Business)

(1) Any person (excluding any person who intends to recycle household wastes, other than food wastes, and any person who has filed a report on waste treatment) who intends to engage in the collection, transportation, recycling, or treatment of wastes (hereinafter referred to as "waste treatment business") and to treat designated wastes shall submit a waste treatment business plan to the Minister of Environment, while such person who intends to treat any wastes, other than designated wastes, shall submit such plan to the competent Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. The foregoing shall also apply to any modification to the significant matter specified by Ordinance of the Ministry of Environment. *<Amended by Act No. 10389, Jul. 23, 2010>*

(2) The Minister of Environment or the relevant Mayor/Do Governor shall examine a waste treatment business plan submitted under paragraph (1) in view of the following matters, and notify the person who has submitted such plan the acceptability thereof: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

1. Whether the person who wishes to obtain permission for waste treatment business (including an executive officer, in cases of a corporation) is disqualified under Article 26;
2. Whether the location, etc. of waste treatment facilities violates other Acts;
3. Whether facilities, equipment or technical capability stated in the waste treatment business plan meets the criteria for permission under paragraph (3);
4. Whether the establishment and operation of waste treatment facilities have an impact on human health or the neighboring environment, such as deterioration of the quality of water in a water-source protection area referred to in Article 7 of the Water Supply and Waterworks Installation Act or causing difficulty in fulfilling the Environmental Quality Standards established under Article 12 of the Framework Act on Environmental Policy.

(3) A person, in receipt of a notice of acceptability pursuant to paragraph (2) shall, within two years (six months, in cases of the waste collection and transportation business under paragraph (5) 1; three years, in cases of the waste treatment business that requires the installation of incinerators and landfill facilities) from the date of receipt of such notice, be equipped with such facilities, equipment, and technical capability in compliance with the standards prescribed by Ordinance of the Ministry of Environment, and shall thereby obtain permission for each business type, type of waste, and area of treatment from the Minister of Environment with respect to designated wastes, and from the Mayor/Do Governor with respect to other wastes. In such cases, if a person who has received a notice of acceptability pursuant to paragraph (2) files an application for permission upon being equipped with securing facilities, equipment, and technical human resources in compliance with the relevant business plan, the Minister of Environment or the Mayor/Do Governor shall promptly grant such permission. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(4) The Minister of Environment or the relevant Mayor/Do Governor may extend the period of application for permission up to one year (six months, in cases of the waste collection and transportation business under paragraph (5) 1; two years, in cases of the terminal waste treatment business under subparagraph 3 of the same paragraph and the general waste treatment business under subparagraph 4 of the same paragraph), upon request, for persons who have failed to file an application within the period referred to in paragraph (3) due to a natural disaster or other extenuating circumstances. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(5) The classification and operational details of waste treatment business shall be as follows: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 13411, Jul. 20, 2015>

1. Waste collection and transportation business: A business that either collects wastes and transports them to a recycling or treatment facility or collects and transports wastes to export them;

2. Interim waste treatment business: A business that specializes in interim treatment of wastes, such as incineration or physical, chemical or biological treatment, or other treatment in a manner acknowledged and publicized by the Minister of Environment as a safe way to intermediately treat wastes, with facilities for interim treatment of wastes;
 3. Terminal waste treatment business: A business that specializes in final treatment of wastes, such as landfills (excluding discharging into the sea) with facilities for final treatment of wastes;
 4. General waste treatment business: A business that performs both interim and final treatment of wastes with facilities for interim and final treatment of wastes;
 5. Interim waste recycling business: A business that manufactures intermediately processed wastes with facilities for recycling of wastes;
 6. Terminal waste recycling business: A business that performs the recycling of intermediately processed wastes in accordance with the principles of recycling wastes or matters to be observed under Article 13-2, with facilities for recycling of wastes;
 7. General waste recycling business: A business that conducts both interim recycling business and terminal recycling business with facilities for recycling of wastes.
- (6) A person who has obtained permission for waste treatment business under any of paragraph (5) 2 through 7 may directly collect and transport wastes for treatment without permission for waste collection and transportation business under subparagraph 1 of the said paragraph. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>*
- (7) When the Minister of Environment or a Mayor/Do Governor grants permission under paragraph (3), he/she may add necessary conditions thereto in order to promote the living convenience of residents, protect the neighboring environment, and efficient manage the relevant waste treatment business: Provided, That the condition that restricts the business territory may be added to permission for the business of collecting and transporting household wastes, in which case the Mayor/Do Governor may not restrict the business territory to an administrative unit smaller than a Si/Gun/Gu. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>*
- (8) Any person who has obtained permission for waste treatment business under paragraph (3) (hereinafter referred to as "waste treatment business operator") shall neither allow another person to use his/her name or trade name in waster treatment nor lend his/her permit to another person. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>*
- (9) Each waste treatment business operator shall comply with the following matters to be observed: *<Amended by Act No. 13038, Jan. 20, 2015>*
1. He/she shall store wastes at an adequate place, such as a storage facility located within its place of business permitted or temporary storage facility approved, as prescribed by Ordinance of the Ministry of Environment;
 2. He/she shall not store wastes in excess of the volume or period prescribed by Ordinance of the Ministry of Environment;

3. He/she shall not accept entrustment of the treatment of wastes if it is impracticable to treat them at his/her own treatment facility or exceeds his/her disposal capacity;

4. In contracting for treatment of wastes, he/she shall comply with the matters to be observed, prescribed by Ordinance of the Ministry of Environment, such as the preparation and keeping of the contract.

(10) Any person who intends to engage in a business collecting, transporting, or treating medical wastes shall install and operate such facilities, equipment, and place of business as required for collecting, transporting, or treating such wastes separately from other wastes. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>*

(11) When a person who has obtained permission under paragraph (3) intends to modify any significant matter prescribed by Ordinance of the Ministry of Environment, he/she shall obtain permission for such modification, and shall also file a report on modification, if the modification involves any matter other than significant matters specified by Ordinance of the Ministry of Environment. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 13411, Jul. 20, 2015>*

(12) If any of the following applies to a person who intends to treat both designated wastes and any wastes, other than designated wastes, in the same treatment facility, such person shall be deemed to have obtained a notice of acceptability, permission, or permission for modification from the Mayor/Do Governor or have filed a report on modification to the Mayor/Do Governor in relation to such non-designated wastes: *<Amended by Act No. 8613, Aug. 3, 2007>*

1. Where he/she has been notified by the Minister of Environment that his/her waste treatment plan is acceptable under paragraph (2);

2. Where he/she has obtained permission for waste treatment business granted by the Minister of Environment pursuant to paragraph (3);

3. Where he/she has obtained permission for modification of waste treatment business granted by the Minister of Environment or has filed a report on modification to the Minister of Environment pursuant to paragraph (11).

(13) Any person who seeks entitlement to the constructive notice of acceptability, permission, permission for modification, or report on modification from or to the Mayor/Do Governor under paragraph (12) in connection with any wastes other than designated wastes shall submit relevant documents prescribed by Ordinance of the Ministry of Environment simultaneously at the time he/she submits a waste treatment business plan or files an application for permission, permission for modification, or a report on modification to or with the Minister of Environment. *<Amended by Act No. 8613, Aug. 3, 2007>*

(14) The Minister of Environment shall, upon receiving the relevant documents under paragraph (13), hear the opinion of the competent Mayor/Do Governor, while he/she shall, upon dispatching a notice of acceptability, granting permission or permission for modification, or receiving a report on modification, inform the competent Mayor/Do Governor of the contents thereof. *<Amended by Act No. 8613, Aug. 3, 2007>*

(15) Any of the following persons who intends to operate a waste treatment business may file an application for permission under paragraph (3) without undergoing the procedures set forth in paragraphs (1) and (2): <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

1. A person who intends to operate a waste treatment business within an industrial complex as defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act;
2. A person who intends to operate a waste treatment business within a recycling complex under Article 34 of the Act on the Promotion of Saving and Recycling of Resources;
3. A person who intends to operate a waste recycling business under any of paragraph (5) 5 through 7.

Article 25-2 (Exclusive Container Manufacturing Business)

(1) A person who intends to engage in manufacturing of exclusive containers as a business (hereinafter referred to as "exclusive container manufacturing business") shall be registered with the Minister of Environment meeting the requirements for facilities, equipment, etc. enumerated in the standards prescribed by Ordinance of the Ministry of Environment; where he/she intends to modify any significant matter prescribed by Ordinance of the Ministry of Environment among the registered matters, he/she shall be subject to modification of registration; and where he/she intends to modify a matter prescribed by Ordinance of the Ministry of Environment among other matters, he/she shall file a report on modification.

(2) Matters necessary for the procedures, etc. for registration, modification of registration, or reporting on modification under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

(3) Matters necessary for the standards, etc. for the structure, specification, quality, and indication of exclusive containers that a person registered under paragraph (1) (hereinafter referred to as "exclusive container manufacturer") is eligible to manufacture shall be prescribed by Ordinance of the Ministry of Environment.

(4) Each exclusive container manufacturer shall undergo an inspection on whether the structure, specification, quality, and indication of manufactured exclusive containers comply with the standards referred to in paragraph (3), as prescribed by Ordinance of the Ministry of Environment. In such cases, matters necessary for inspection institutions, methods and procedures for inspection, etc. shall be prescribed by Ordinance of the Ministry of Environment.

(5) No exclusive container manufacturer shall allow another person to use his/her name or trade name in manufacturing exclusive containers nor lend his/her certificate of registration to another person.

(6) Each exclusive container manufacturer shall comply with the matters to be observed, prescribed by Ordinance of the Ministry of Environment, such as manufacturing of the exclusive containers conforming to the standards referred to in paragraph (3).

Article 26 (Disqualifications)

None of the following persons shall be granted permission for a waste management business or registered for an exclusive container manufacturing business: <Amended by Act No. 13038, Jan. 20, 2015>

1. A minor, a person under adult guardianship, or a person under limited guardianship;

2. A person who has been declared bankrupt, but not yet reinstated;
3. A person in whose case two years have not yet passed since his/her sentence for imprisonment with labor or heavier punishment declared by a court was completely fulfilled, or an exemption from the execution of the sentence was made definite;
4. A person who was sentenced to a suspended sentence of imprisonment with labor or heavier punishment and is still under the period of suspension;
5. A person in whose case two years have not to elapse since his/her permission to operate waste management business was revoked under Article 27 (excluding paragraphs (1) 2 and (2) 20) or his/her registration for an exclusive container manufacturing business was revoked under Article 27-2 (excluding paragraphs (1) 2 and (2) 2);
6. A corporation in whose case one of its executive officers falls under any provision of subparagraphs 1 through 4.

Article 27 (Revocation, etc. of Permission)

(1) If a waste treatment business entity falls under any of the following cases, the Minister of Environment or the competent Mayor/Do Governor shall revoke permission for the waste treatment business: *<Amended by Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>*

1. Where he/she has obtained permission by fraudulent or other illegal means;
2. Where he/she falls under any reason for disqualification prescribed in the subparagraphs of Article 26: Provided, That the following cases where measures are taken as classified below shall be excluded:
 - (a) Where a person among executives of the corporation falls under subparagraph 6 of Article 26: To appoint an executive to replace him/her, within two months from the date a ground for disqualification occurred;
 - (b) Where an inheritor who has succeeded to the rights and obligations under Article 33 (1) falls under any subparagraph of Article 26: To transfer the relevant rights and obligations to another person within six months from the date the inheritance has commenced;
3. Where he/she fails to take measures in accordance with the main sentence of Article 40 (1);
4. Where he/she fails to comply with a renewal order under Article 40 (8);
5. Where he/she operates business while the business is suspended.

(2) If a waste treatment business operator falls under any of the following cases, the Minister of Environment or the relevant Mayor/Do Governor may revoke permission or order suspension of the whole or a part of his/her business, specifying a period not exceeding six months: *<Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>*

1. Where he/she discharges, buries, or incinerates industrial wastes, in violation of Article 8 (1) or (2);
2. Where he/she treats wastes, in violation of Article 13 or 13-2;
- 2-2. Where he/she fails to take measures as ordered under Article 13-5 (5);
3. Where he/she fails to record matters concerning the delivery and receipt of waste on the electronic information processing program, in violation of Article 18 (3);

4. Where he/she fails to carry documents, etc. or notify the competent administrative agencies or public officials of the delivery number despite their request while transporting wastes, in violation of Article 19 (1);
5. Where he/she conducts business that exceeds the extent of types or details of business under Article 25 (5);
6. Where he/she violates conditions imposed under Article 25 (7);
7. Where he/she permits other persons to use his/her name or trade name and treat wastes, or lends his/her permit to another person, in violation of Article 25 (8);
8. Where he/she stores wastes or violates rules, in violation of Article 25 (9);
9. Where he/she fails to install and operate separate facilities, equipment or place of business to collect, transport, or treat wastes, in violation of Article 25 (10);
10. Where he/she amends matters that require permission or reporting without obtaining permission for modification or filing a report on modification under Article 25 (11);
11. Where he/she fails to undergo inspections in violation of Article 30 (1) or (2), or operates waste treatment facilities without obtaining an acceptability decision, in violation of Article 30 (3);
12. Where he/she operates waste treatment facilities, not meeting standards for its maintenance under Article 31 (1);
13. Where he/she fails to comply with an order of correction or suspension of use under Article 31 (4);
14. Where he/she fails to comply with an order of closure under Article 31 (5);
15. Where he/she fails to comply with an order of measure or inspection under Article 31 (7);
16. Where he/she fails to report on the succession of rights or obligations under Article 33 (3);
17. Where he/she fails to record and keep books, in violation of Article 36 (1);
18. Where he/she fails to comply with an order under Article 39-3, 40 (2) and (3), or 48;
19. Where he/she fails to reserve in advance a performance guarantee bond under Article 52 (1);
20. Where he/she fails to open business within one year after obtaining permission, or suspends such business closed for at least one year consecutively without just grounds.

Article 27-2 (Revocation, etc. of Registration of Exclusive Container Manufacturing Business)

(1) If an exclusive container manufacturer falls under any of the following cases, the Minister of Environment shall revoke his/her registration:

1. Where he/she has been registered by fraudulent or other illegal means;
2. Where he/she falls under any ground for disqualification prescribed in subparagraphs of Article 26: Provided, That where there is any person who falls under subparagraph 6 of Article 26 from among executive officers of a corporation, the same shall not apply if the executive officer is replaced within two months;
3. Where he/she performs business during a period of business suspension prescribed in paragraph (2).

(2) If an exclusive container manufacturer falls under any of the following cases, the Minister of Environment may choose to revoke his/her registration or order to fully or partially suspend his/her

business for a fixed period within six months:

1. Where he/she amends any registered matter without making modification to registration or filing a report on modification, in violation of Article 25-2 (1), or makes modification to registration or files a report on modification by illegal means;
2. Where he/she fails to commence business or has no business performance within one year after the registration was made (excluding cases where the report on business suspension has been filed);
3. Where he/she manufactures exclusive containers by using facilities and equipment of another person which are not registered under Article 25-2 (1);
4. Where he/she manufactures exclusive containers other than those registered under Article 25-2 (1);
5. Where he/she fails to meet any of the standards for registration referred to in Article 25-2 (1);
6. Where he/she manufactures and distributes any exclusive containers not conforming to the structure, specification, quality or indication referred to in Article 25-2 (3) or fails to undergo an inspection under Article 25-2 (4);
7. Where he/she allows another person to operate business by using his/her name or trade name or lends his/her certificate of registration, in violation of Article 25-2 (2);
8. Where he/she fails to comply with matters to be observed, in violation of Article 25-2 (6);
9. Where he/she rejects, interferes with, or evades an inspection of relevant documents, facilities, equipment, etc. conducted under Article 39.

Article 28 (Imposition of Penalty Surcharges on Waste Treatment Business Entities)

(1) If the Minister of Environment or the relevant Mayor/Do Governor intends to order the suspension of business to a waste treatment business entity under Article 27, but he/she finds that the suspension of business falls under any of the following cases, he/she may impose a penalty surcharge not exceeding 100 million won, in lieu of the suspension of business, as prescribed by Presidential Decree: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

1. Where the suspension of business prevents a customer of the business from commissioning waste treatment to the business, resulting in wastes accumulated in the customer's place of business, so that the customer's business is likely to suffer enormous impediment;
 2. Where environmental pollution caused by wastes stored by the relevant waste treatment business entity, or wastes accumulated by a customer of the business, poses or is likely to pose a health hazard to local residents;
 3. Where it is deemed necessary to require the waste treatment business entity to continue his/her business due to a natural disaster or other inevitable circumstances.
- (2) The amount of penalty surcharges to be imposed under paragraph (1) depending on the type and severity of an offense and other necessary matters, shall be prescribed by Presidential Decree.
- (3) If a penalty surcharge imposed under paragraph (1) is not paid, the Minister of Environment shall collect the penalty surcharge in the same manner as delinquent national taxes are collected, while a Mayor/Do Governor shall collect such penalty surcharge in accordance with the Act on the Collection, etc.

of Non-Local-Tax Revenues. <Amended by Act No. 11998, Aug. 6, 2013>

(4) Penalty surcharges collected under paragraphs (1) and (3) shall be spent by each collecting authority for purposes prescribed by Presidential Decree, including expansion of multi-regional waste treatment facilities.

Article 29 (Installation of Waste Treatment Facilities)

(1) Waste treatment facilities shall be installed in conformity with the standards prescribed by Ordinance of the Ministry of Environment, but no waste incineration facility shall be installed or operated, unless it conforms to the size prescribed by Ordinance of the Ministry of Environment.

(2) If any person other than those who hold, or have applied for, a licence for a waste management business under Article 25 (3), wishes to install any waste treatment facility, he/she shall obtain approval from the Minister of Environment: Provided, That the foregoing shall not apply where it is intended to install a waste treatment facility under subparagraph 1, while a person who intends to install a waste treatment facility under subparagraph 2 shall file a report thereon with the Minister of Environment:

1. A waste treatment installed and operated by a school, a research institution, or other person specified by Ordinance of the Ministry of Environment for the purposes of testing and research as prescribed by Ordinance of the Ministry of Environment;

2. A waste treatment facility of a scale prescribed by Ordinance of the Ministry of Environment.

(3) A person who intends to change any of such important matters as specified by Ordinance of the Ministry of Environment among the matters approved or reported under paragraph (2) shall obtain approval for such modification or submit a report on such modification, as applicable.

(4) A person who installs a waste treatment facility shall, when he/she intends to start operating the facility after the completion of the installation works, submit a report thereon to the head of the competent administrative agency depending upon which of the following facilities is involved:

1. For a waste treatment facility installed by a waste management business entity: The administrative agency responsible for licensing under Article 25 (3);

2. For any waste treatment facility other than those falling under subparagraph 1: The administrative agency responsible for approval or reporting under Article 29 (2).

Article 30 (Inspection of Waste Treatment Facilities)

(1) A person who has completed the installation of a waste treatment facility specified by Ordinance of the Ministry of Environment shall undergo an inspection conducted by an inspection agency designated by Ordinance of the Ministry of Environment. The foregoing shall also apply to cases prescribed by Ordinance of the Ministry of Environment in which approval for, or a reporting on, modification has been obtained or filed for pursuant to Article 29 (3).

(2) A person who has installed and operates a waste treatment facility under paragraph (1) shall undergo an inspection conducted by an inspection agency under paragraph (1) at a regular interval prescribed by Ordinance of the Ministry of Environment. In such cases, the waste treatment facility shall be deemed to have undergone a periodic inspection if it has undergone a technical diagnosis under Article 13 of the

Environmental Technology and Industry Support Act within the period set for such inspection (excluding failure to comply with a request made under Article 13 (3) of the Environmental Technology and Industry Support Act). *<Amended by Act No. 10615, Apr. 28, 2011; Act No. 11465, Jun. 1, 2012>*

(3) No one may use any waste treatment facility that has failed to pass an inspection under paragraph (1) or (2): Provided, That the foregoing shall not apply where such facility is operated for the purposes of inspection.

(4) Procedures and standards for the inspection conducted under paragraphs (1) and (2), guidelines for the management of inspection institutions, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

Article 31 (Management of Waste Treatment Facilities)

(1) Anyone who has installed and operates a waste treatment facility shall maintain and manage such facility in compliance with the guidelines for the management, as prescribed by Ordinance of the Ministry of Environment.

(2) Anyone who has installed and operates a waste treatment facility specified by Presidential Decree shall take measurements of pollutants discharged from the waste treatment facility or arrange for a measuring institution specified by Ordinance of the Ministry of Environment to take such measurements, and shall submit a report on the results thereof to the Minister of Environment.

(3) Anyone who has installed and operates a waste treatment facility specified by Presidential Decree shall examine the impact that the installation and operation of such waste treatment facility has on its neighboring areas every three years, and shall submit a report on the results thereof to the Minister of Environment.

(4) If a waste treatment facility fails to meet the standards for installation under Article 29 (1) or the standards for management under paragraph (1) of this Article in its installation, maintenance or management or fails to pass an inspection conducted pursuant to Article 30 (1) or (2), the Minister of Environment may order the person who has installed and operates the facility to take measures for improving the facility within such period as prescribed by Ordinance of the Ministry of Environment or suspend the operation of such facility (excluding cases where such facility fails to pass an inspection conducted pursuant to Article 30 (1) or (2)). *<Amended by Act No. 10389, Jul. 23, 2010>*

(5) If a person to whom an order to improve or suspend the operation has been issued pursuant to paragraph (4) fails to perform as ordered or if it is found that such person is unable to perform as ordered, the Minister of Environment may order him/her to close down the facility permanently. *<Amended by Act No. 8613, Aug. 3, 2007>*

(6) If a person who has installed a landfill facility for wastes fails to close down his/her facility permanently within the fixed period even after receiving an order for closedown under paragraph (5), the Minister of Environment may have a person prescribed by Presidential Decree take procedures for the closedown, such as final soil covering, on his/her behalf and use, for such expenses, advance reserve of performance guarantee bond for follow-up management deposited by the person who has installed the

landfill facility for wastes under Article 52 (1). In such cases, if the amount of expenses exceeds the amount of advance reserve of performance guarantee bond for follow-up management, the amount of excess may be collected from the person who has received such order. *<Newly Inserted by Act No. 13038, Jan. 20, 2015>*

(7) If a person who has installed and operates a waste treatment facility fails to perform his/her duty to measure pollutants in accordance with paragraph (2) or fails to examine its impact on its neighboring areas in accordance with paragraph (3), the Minister of Environment may order the person to take such measurement of pollutants or to examine such impact within a period prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 8613, Aug. 3, 2007>*

(8) The pollutants that shall be measured in accordance with paragraph (2), the cycle of such measurements, the reporting on the results thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(9) The method and scope of assessments made under paragraph (3), the report on the results thereof, and other necessary matters shall be prescribed by Ordinance of the Ministry of Environment.

(10) The Minister of Environment shall disclose the results of measurements taken under paragraph (2) and the results of assessments made under paragraph (3) to the public, as prescribed by the Official Information Disclosure Act.

Article 32 (Permission, Reporting, etc. Deemed Granted or Filed under other Acts or Subordinate Statutes)

(1) Where a person who intends to install a waste treatment facility has obtained approval under Article 29 (2) or has filed a report thereon, where he/she installs a waste treatment facility under subparagraph 1 of the said paragraph, or where he/she has obtained permission for a waste treatment business under Article 25 (3), he/she shall be deemed to have obtained or filed the following permission or reports in relation to the waste treatment facility: *<Amended by Act No. 8466, May 17, 2007; Act No. 9770, Jun. 9, 2009; Act No. 10389, Jul. 23, 2010>*

1. Permission for, or reporting on, the installation of emission facilities under Article 23 (1) and (2) of the Clean Air Conservation Act;
2. Permission for, or reporting on, the installation of emission facilities under Article 33 (1) and (2) of the Water Quality and Aquatic Ecosystem Conservation Act;
3. Permission for, or reporting on, the installation of emission facilities under Article 8 (1) and (2) of the Noise and Vibration Control Act.

(2) Where a person who intends to install a waste treatment facility specified by Ordinance of the Ministry of Environment in order to concurrently treat food waste and livestock excreta obtains permission for a waste treatment business under Article 25 (3) or has obtained approval or has filed a report under Article 29 (2) and installs a waste treatment facility under Article 29 (2) 1, he/she shall be deemed to have obtained the following approval or permission in relation to the waste treatment facility: *<Newly Inserted by Act No. 11465, Jun. 1, 2012>*

1. Approval for the installation of a public treatment facility under Article 24 (3) of the Act on the Management and Use of Livestock Excreta;
2. Permission to operate a livestock excreta treatment business under Article 28 of the Act on the Management and Use of Livestock Excreta.

(3) Where a person who has installed a waste treatment facility files a report under Article 29 (4), he/she shall be deemed to have filed each of the following reports: *<Amended by Act No. 8466, May 17, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012>*

1. A report on the commencement of operation of emission facilities under Article 30 of the Clean Air Conservation Act;
2. A report on the commencement of the operation of discharging facilities under Article 37 of the Water Quality and Aquatic Ecosystem Conservation Act;
3. Deleted. *<by Act No. 9770, Jun. 9, 2009>*

(4) Whenever the Minister of Environment or a Mayor/Do Governor intends to grant approval for the installation of a waste treatment facility or permission for a waste treatment business, he/she shall consult with the heads of relevant administrative agencies, if such facility or business involves any of the matters set forth in the subparagraphs of paragraphs (1) through (3). *<Amended by Act No. 11465, Jun. 1, 2012>*

(5) The Minister of Environment shall determine guidelines for processing permits, approval, or reports deemed granted or filed under paragraphs (1) through (3) and publicly announce the guidelines. *<Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 11465, Jun. 1, 2012>*

Article 33 (Succession to Rights, Obligations, etc.)

(1) Where a waste treatment business operator, a person who has obtained approval for the installation of a waste treatment facility or has filed a report thereon under Article 29, or a person who has filed a report on waste treatment, or an exclusive container manufacturer transfers the waste treatment business, the waste treatment facility, a facility under Article 46 (1), or an exclusive container manufacturing business to another person, where such person dies, or where the corporation has merged with another corporation if such person is a corporation, the transferee, successor, or the corporation surviving the merger or newly established in the course of the merger shall succeed to the rights and obligations under such permission, approval, registration, or report. *<Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>*

(2) Any person who has acquired a waste treatment facility, etc. from a waste treatment business operator, a person who has obtained approval for the installation of such waste treatment facility or has filed a report thereon under Article 29, a person who has filed a report on waste treatment, or an exclusive container manufacturer by an auction under the Civil Execution Act, the realization of property under the Debtor Rehabilitation and Bankruptcy Act, the sale of seized property under the National Tax Collection Act, the Customs Act or the Framework Act on Local Taxes, or other procedures corresponding thereto, shall succeed to the rights and obligations relating to the relevant permission, approval, registration, or report. In such cases, permission or approval granted to the former waste treatment business operator or the person who has installed the waste treatment facility, the report filed by the person who has filed a

report on waste treatment, or the registration of the exclusive container manufacturer, becomes void.
<Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

(3) A person who has succeeded to the rights and obligations under paragraph (1) or (2) shall report the fact to the Minister of Environment or the competent Mayor/Do Governor, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 10389, Jul. 23, 2010>

(4) Upon receipt of a report under paragraph (3), the Minister of Environment or a Mayor/Do Governor shall ascertain whether the reported fact is legitimate. <Newly Inserted by Act No. 11914, Jul. 16, 2013>

(5) When the Minister of Environment or a Mayor/Do Governor intends to access the electronic computer network or data concerning criminal history records and certification of family relation in order to ascertain the legitimacy under paragraph (4), he/she may request cooperation from the head of the relevant agency, and the head of the relevant agency shall comply therewith, except in extenuating circumstances.
<Newly Inserted by Act No. 11914, Jul. 16, 2013>

Article 34 (Technical Manager)

(1) A person who has installed and manages a waste treatment facility specified by Presidential Decree shall employ a technical manager who shall take charge of technical affairs relating to the maintenance and management of such facility (including where the person him/herself holds qualifications as a technical manager and takes charge of such technical management) or shall make a contract on technical management services with a person specified by Presidential Decree as capable of taking charge of technical management.

(2) Matters necessary for qualifications as technical managers, contracts on technical management services, etc. under paragraph (1) shall be prescribed by Ordinance of the Ministry of Environment.

Article 35 (Training Courses for Persons in Charge of Waste Disposal)

(1) Any of the following persons shall take training courses provided by an educational institution designated by Ordinance of the Ministry of Environment: <Amended by Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. Any of the following persons in charge of waste treatment:

- (a) Technical personnel who engage in a waste treatment business;
- (b) Technical managers of a waste treatment facility;
- (c) Other persons prescribed by Presidential Decree;

2. Technical personnel of a professional waste analysis agency;

3. Technical personnel of an agency for environmental assessment of recycling designated under Article 13-4.

(2) An employer of a person who is obligated to take the training courses under paragraph (1) shall provide the person with an opportunity to take the courses.

(3) Every employer of a person who is obligated to take the training courses under paragraph (1) shall bear the expenses for such training courses under the provisions of the said paragraph.

Article 36 (Keeping of Books and Records)

(1) The following persons shall keep books, as prescribed by Ordinance of Ministry of Environment, to record the details of the wastes generated, discharged, and treated (which refer to the quantity of wastes generated, the status of recycled wastes, the performance of treatment, etc., in cases of persons referred to in subparagraph 1-2 or 3; the record, etc. of production, sales volume, and quality inspection of exclusive containers, in cases of persons referred to in subparagraph 4-2; or refer to the quantity of products, containers, etc. generated, imported, and sold and the quantity retrieved and treated in cases of persons referred to in subparagraph 7), and shall retain the records for three years (two years in cases of subparagraph 1) from the date of the last entry: Provided, That this may not apply where the electronic information processing program is used under Article 45 (2): *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>*

1. A person obligated to report his/her plan to restrain the generation of food wastes and properly treat such wastes under Article 15-2 (2);

1-2. A person obligated to file a report under Article 17 (2);

1-3. A person obligated to obtain verification under Article 17 (3);

2. The representative of a joint operating organization responsible for jointly collecting, transporting, recycling or treating industrial wastes under Article 18 (5);

3. A person who has filed an import report under Article 24-2 (1);

4. A waste treatment business operator;

4-2. An exclusive container manufacturer;

5. A person who has installed and operates a waste treatment facility;

6. A person who has filed a report on waste treatment;

7. A manufacturer or an importer referred to in Article 47 (2).

(2) Deleted. *<by Act No. 8613, Aug. 3, 2007>*

Article 37 (Reporting on Shutdown or Closure of Business, etc.)

(1) When a waste treatment business operator, a person who has filed a report on waste treatment, a professional waste analysis agency, or an exclusive container manufacturer temporarily shuts down, permanently closes down, or resumes his/her business, he/she shall file a report thereon with the competent administrative agency for the related licensing, reporting, designating or registering as prescribed by Ordinance of the Ministry of Environment. The same shall also apply to an agency for environmental assessment of recycling. *<Amended by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>*

(2) A person who intends to file a report on temporary shutdown or permanent closedown of his/her business under paragraph (1) (limited to a waste treatment business operator and a person who has filed a report on waste treatment) shall treat all the wastes stored by him/her, as prescribed by Ordinance of the Ministry of Environment. *<Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>*

Article 38 (Submission of Reports)

(1) The following persons shall submit an annual report on the wastes generated and treated, to the head of the competent administrative agency for the related licensing, approval, reporting, or verification by no later than the end of February of the following year, as prescribed by Ordinance of the Ministry of Environment: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

1. A person who has installed and operates a waste treatment facility under Article 4 or 5;
- 1-2. A person who has reported his/her plan to restrain the generation of food wastes and properly treat such wastes under Article 15-2 (2);
2. A person who has filed a report as an industrial waste discharger under Article 17 (2);
3. A person who has obtained verification under Article 17 (3);
- 3-2. A person who has filed an import or export report under Article 24-2 (1);
4. A waste treatment business operator;
5. A person who has filed a report on waste treatment.

(2) A person registered for an exclusive container manufacturing business under Article 25-2 (1) shall submit a report on the production, delivery from warehouses, and quality inspection of exclusive containers to the head of the registration agency by no later than the end of February, the following year, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13038, Jan. 20, 2015>

(3) If a person obligated to submit a report under paragraph (1) or (2) fails to submit it within the prescribed period, the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu may order the person to submit it within the prescribed period. <Amended by Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>

(4) A person obligated to submit a report under paragraph (1) or (2) may request in writing, by no later than January 15 of each year, the person to whom he/she has entrusted to treat industrial wastes to provide him/her with data and information necessary for preparing the report under paragraph (1), and the person so entrusted shall, upon receiving such request, provide him/her with such data and information in writing by no later than January 31 of the year. <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>

(5) A professional waste analysis agency shall submit an annual report on the testing and analysis of wastes by the end of February, the following year to the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13038, Jan. 20, 2015>

Article 39 (Reporting, Inspection, etc.)

(1) The Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu may require relevant persons to submit such report or data as prescribed by Ordinance of the Ministry of Environment within the extent necessary for the enforcement of this Act, and may also assign public officials in charge to enter an office or a place of business of such persons or a bonded area under Article 154 of the Customs Act to inspect the documents, facilities, equipment, etc. therein. <Amended by Act No. 10389, Jul. 23, 2010>

(2) Public officials who enter an office or a place of business for the purpose of an inspection under paragraph (1) shall carry with them identification verifying their authority and show it to interested persons.

(3) In cases of an inspection under paragraph (1), an inspection plan including the date and time, purpose, objects, etc. of the inspection shall be notified to the business entity subject to such inspection by no later than seven days prior to the inspection: Provided, That this shall not apply where the inspection is urgently required or it is deemed that a prior notice may make it impracticable to attain the objective of the inspection. <Newly Inserted by Act No. 10389, Jul. 23, 2010>

Article 39-2 (Issuance of Order for Treatment of Wastes to Waste Dischargers)

(1) Where an industrial waste discharger keeps wastes in excess of the period of storage set out in the standards and methods of waste treatment under Article 13, the Minister of Environment or the Mayor/Do Governor may order such industrial waste discharger to treat such wastes within a specified period of time.

(2) Where some wastes still remain not properly treated even after an order for treatment has been issued under paragraph (1) to the industrial waste discharger, the Minister of Environment or the Mayor/Do Governor may order a person who succeeds to the rights and obligations pursuant to Article 17 (6) or (7) to treat such wastes within a specified period of time.

Article 39-3 (Issuance of Order for Treatment of Wastes to Waste Treatment Business Entities, etc.)

The Minister of Environment or a Mayor/Do Governor who seeks to issue an order for the revocation of permission or suspension of business under Article 27 to a waste treatment business entity or to issue an order for the closedown of facilities or prohibition of waste treatment under Article 46 (7) to a person who has filed a report on waste treatment shall order the waste treatment business entity or the person who has filed a report on waste treatment to treat the wastes kept by him/her within a specified period.

Article 40 (Treatment of Abandoned Wastes by Waste Treatment Business Entities, etc.)

(1) Upon obtaining permission under Article 25 (3) or completing a report under Article 46 (1), waste treatment business entities specializing in industrial wastes and persons who have filed a report on waste treatment shall take any of the following actions before the commencement of business to prevent wastes from remaining abandoned: Provided, That the foregoing shall not apply to persons specified by Ordinance of the Ministry of Environment, among persons who have filed a report on waste treatment, in consideration of the possibility of abandonment of wastes, etc.: <Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

1. To pay a certain amount of contribution to the mutual aid association for waste treatment business under Article 43;
2. To purchase an insurance policy covering the cost of waste treatment;
3. Deleted. <by Act No. 8613, Aug. 3, 2007>

(2) If a waste treatment business entity or a person who has filed a report on waste treatment under paragraph (1) suspends his/her business or discontinues operation of his/her business due to the closure of business, etc. (excluding the discontinuance of operation following an order for the revocation of

permission or suspension of business under Article 27 or for the closure of facilities or prohibition of waste treatment under Article 46 (7)) in excess of the period prescribed by Presidential Decree, the Minister of Environment or the Mayor/Do Governor may order the waste treatment business entity or the person who has filed a report on waste treatment to treat the wastes in his/her possession within a given period. <Amended by Act No. 10389, Jul. 23, 2010>

(3) If some wastes remain untreated even after an order for treatment has been issued under paragraph (2) or Article 39-3 to a waste treatment business entity or a person who has filed a report on waste treatment, the Minister of Environment or the competent Mayor/Do Governor may order a person who has succeeded to the rights and obligations pursuant to Article 33 (1) or (2) to treat those wastes within a given period.

<Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(4) If a person in receipt of an order issued under paragraph (2) or (3) fails to comply with the order, the Minister of Environment or the Mayor/Do Governor may take any of the following measures for the treatment of the wastes in his/her possession (hereinafter referred to as "abandoned wastes"): Provided, That the foregoing shall not apply where a person who falls under the proviso to paragraph (1) fails to comply with such order: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

1. If he/she has paid a certain amount of contribution under paragraph (1) 1: To issue an order to treat the abandoned waste to the mutual aid association for waste treatment business under Article 41;
2. If he/she has purchased an insurance policy under paragraph (1) 2: To treat the abandoned wastes and request the insurer to pay the insurance proceeds;
3. Deleted. <Amended by Act No. 8613, Aug. 3, 2007>

(5) The effective term of the insurance policy, the timing for purchasing such insurance policy, the guidelines for computation of insured amounts under paragraph (1) 2, and other necessary matters shall be prescribed by Presidential Decree. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(6) Deleted. <by Act No. 8613, Aug. 3, 2007>

(7) If any of the following applies to a person who has taken action under paragraph (1) 2, he/she shall renew the insurance policy under subparagraph 2 of the said paragraph (hereinafter referred to as "performance guarantee insurance"), as prescribed by Presidential Decree: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

1. When the effective term of the performance guarantee insurance expires;
2. When it is necessary to change the insured amount of coverage of the performance guarantee insurance because the type or permissible quantity of possession of wastes subject to waste treatment as permitted under Article 25 (3) or the unit price for such waste treatment is changed or the quantity of wastes in his/her possession exceeds that under paragraph (9) of the said Article.

(8) If any person obligated to renew the performance guarantee insurance policy under paragraph (7) fails to do so, the Minister of Environment or the Mayor/Do Governor may order the person to renew the performance guarantee insurance policy. <Amended by Act No. 8613, Aug. 3, 2007>

(9) Any person who has purchased a performance guarantee insurance policy or has renewed it in accordance with paragraph (7) or (8) shall submit the original copy of insurance policy proving the renewal to the Minister of Environment or the Mayor/Do Governor, as prescribed by Presidential Decree.

(10) Any person who intends to substitute any of the actions under subparagraphs of paragraph (1) for any other action under any of the said subparagraphs shall notify the Minister of Environment or the Mayor/Do Governor of his/her substituting action immediately after he/she takes such action.

(11) When the Minister of Environment or the Mayor/Do Governor orders the mutual aid association for waste treatment business to treat abandoned wastes pursuant to paragraph (4) 1, he/she shall issue such order to the extent prescribed by Presidential Decree in regard to their quantity and the period of time for such treatment. *<Amended by Act No. 10389, Jul. 23, 2010>*

(12) If the mutual aid association for waste treatment business under Article 41 has treated wastes in excess of the contribution paid by any waste treatment business entity or any person who has filed a report on waste treatment pursuant to paragraph (1) 1, it may exercise the right to demand a reimbursement as regards the amount in excess against the waste treatment business entity, the person who has filed a report on waste treatment, or the person who has succeeded to the rights and obligations pursuant to Article 33 (1) or (2). *<Newly Inserted by Act No. 10389, Jul. 23, 2010>*

Article 41 (Establishment of Mutual Aid Associations for Waste Treatment Business)

(1) Waste treatment business entities specializing in treatment of industrial wastes and persons who have filed a report on waste treatment may establish a mutual aid association for the waste treatment business (hereinafter referred to as the "Association") in order to underwrite various guarantees to waste treatment businesses and to guarantee the treatment of abandoned wastes. *<Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>*

(2) The Association shall be a corporation.

(3) The Association shall be duly formed upon the completion of registration for its establishment with the registry office having jurisdiction over its principal place of business.

Article 42 (Affairs of Association)

The Association may perform the following affairs:

1. Mutual aid business to treat wastes abandoned by its members;
2. Affairs to provide bid bonds, performance bonds, and advance payment bonds necessary for its members to operate waste treatment business.

Article 43 (Contributions)

(1) Each member of the Association shall pay such contribution required for the mutual aid business under Article 42 to the Association.

(2) The guidelines for computing a contribution under paragraph (1), the procedure for the payment of such contribution, and other necessary matters shall be stipulated by the Association's articles of association.

(3) No member of the Association may get a refund of his/her contribution paid under Article 40 (1) 1 if he/she has any abandoned wastes, in violation of an order issued under Article 40 (2): Provided, That this shall not apply where he/she treats such abandoned wastes before the Minister of Environment or the competent Mayor/Do Governor issues an order for the treatment thereof pursuant to Article 40 (4) 1.

<Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012>

Article 44 (Application Mutatis Mutandis of Civil Act)

Except as otherwise provided for in this Act, the provisions governing incorporated associations under the Civil Act shall apply mutatis mutandis to the Association.

Article 45 (Electronic Processing of Waste Delivery and Receipt)

(1) The Minister of Environment shall establish and operate an electronic information processing organization (hereinafter referred to as "electronic information processing organization") to manage the following information and records (hereinafter referred to as "electronic information"): *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 11914, Jul. 16, 2013>*

1. Information entered under Article 14 (6) and required for the calculation of charges for food wastes;
2. Information entered under 18 (3) and 24-3 (2) about the transfer and receipt of wastes;
3. Records entered under paragraph (3).

(2) The Minister of Environment shall establish and operate an electronic information processing program (hereinafter referred to as "electronic information processing program") to efficiently process electronic information. In such cases, the costs necessary for electronic information processing may be wholly or partially collected from users of such program. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>*

(3) When an industrial waste discharger has recorded the details of affairs prescribed by Presidential Decree, such as reports, on the electronic information processing program, as prescribed by Ordinance of the Ministry of Environment, such duties are deemed performed. *<Amended by Act No. 8613, Aug. 3, 2007>*

(4) The Minister of Environment shall retain electronic information for three years from the date it is recorded. *<Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>*

(5) The Minister of Environment, the Mayor/Do Governor, or the person who has transmitted an electronically processed record relating to affairs under paragraph (3) may request the head of the electronic information processing organization in writing to provide him/her with the data relevant to the electronically processed records concerned, and the head of the electronic information processing organization shall, upon receipt of such request, then provide such data within the period prescribed by Ordinance of the Ministry of Environment. *<Amended by Act No. 8613, Aug. 3, 2007>*

Article 46 (Reporting on Waste Treatment)

(1) Any of the following persons shall have facilities and equipment meeting the standards prescribed by Ordinance of the Ministry of Environment and file a report thereon with the competent Mayor/Do Governor: *<Amended by Act No. 10389, Jul. 23, 2010>*

1. A person who recycles wastes, such as animal or vegetable remnants in a manner that they are used as compost for his/her own farmland, as prescribed by Ordinance of the Ministry of Environment;
2. A person who collects or transports waste papers, steel scrap, or other wastes prescribed by Ordinance of the Ministry of Environment or recycles them in the manner prescribed by Ordinance of the Ministry of Environment, with a place of business of such size as prescribed by Ordinance of the Ministry of Environment;
3. A person who collects or transports waste tires, waste home appliances, or other wastes prescribed by Ordinance of the Ministry of Environment.

(2) Deleted. <by Act No. 10389, Jul. 23, 2010>

(3) If a person who has filed a report on waste treatment intends to modify any of the matters specified by Ordinance of the Ministry of Environment, he/she shall file a report on such modification with the competent Mayor/Do Governor. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(4) Deleted. <by Act No. 10389, Jul. 23, 2010>

(5) A person who has filed a report on waste treatment under paragraph (1) 1 or 2 may collect and transport wastes for recycling without obtaining permission for waste collection and transportation business under Article 25 (3) or filing a report under paragraph (1) 2. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013>

(6) A person who has filed a report on waste treatment shall comply with the rules prescribed by Ordinance of the Ministry of Environment, such as the treatment of wastes in the manner reported. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

(7) A Mayor/Do Governor may issue an order to close related facilities or to prohibit carrying-in or treating wastes (hereinafter referred to as "prohibition of treatment") for a period not exceeding six months, if a person who has filed a report on waste treatment falls under any of the following circumstances: <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13411, Jul. 20, 2015>

1. Where he/she fails to comply with the rules under paragraph (6);
2. Where he/she fails to comply with the standards and methods of waste treatment under Article 13 or the principles of recycling wastes and matters to be observed under Article 13-2;
3. Where he/she fails to take any of the measures required under the main sentence of Article 40 (1).

(8) No person on whom a disposition for closure of facilities has been taken pursuant to paragraph (7) shall file a report on waste treatment under paragraph (1) again within one year from the date such disposition has been issued. <Newly Inserted by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

Article 46-2 (Imposition of Penalty Surcharges on Persons who Have Reported on Waste Treatment)

(1) Where a person who has filed a report on waste treatment falls under any subparagraph of Article 46 (7) so the competent Mayor/Do Governor shall order him/her to prohibit waste treatment, and the Mayor/Do Governor deems that the prohibition of waste treatment falls under any of the following subparagraphs, the Mayor/Do Governor may impose a penalty surcharge not exceeding 20 million won, in

lieu of the prohibition of waste treatment, as prescribed by Presidential Decree: *<Amended by Act No. 10389, Jul. 23, 2010>*

1. Where the prohibition of waste treatment concerned prevents a customer of the relevant treatment from commissioning waste treatment to a waste treatment business entity, resulting in wastes accumulated in the customer's place of business, so the customer's business is likely to suffer enormous impediment;
 2. Where a health hazard occurs, or is likely to occur, to the neighboring residents due to environmental pollution caused by wastes stored by the person who has filed a report on waste treatment, or wastes left stored by a customer of the relevant treatment;
 3. Where it is deemed necessary to allow the waste treatment business entity to continue his/her business due to a natural disaster or any other unavoidable cause.
- (2) The amount of a penalty surcharge, depending on the type and degree of violations, subject to the imposition of a penalty surcharge under paragraph (1), and other necessary matters shall be prescribed by Presidential Decree.
- (3) If a penalty surcharge imposed under paragraph (1) is not paid, the penalty surcharge shall be collected in accordance with the Act on the Collection, etc. of Local Non-Tax Revenue. *<Amended by Act No. 11998, Aug. 6, 2013>*
- (4) Penalty surcharges collected under paragraph (1) and (3) shall become the revenue of the relevant City/Do, and shall be used only for any of the purposes of use prescribed by Presidential Decree, such as the expansion of multi-regional waste treatment facilities.

Article 47 (Measures for Retrieving Wastes)

- (1) In manufacturing, processing, importing, or selling products, the materials, containers, and products which have been used in such manufacturing, processing, importation, or sale become wastes, every business entity shall ensure that such wastes are easily retrieved and treated.
- (2) Where any material, container, or product referred to in paragraph (1) contains any substance specified by Ordinance of the Ministry of Environment among the air pollutants, water contaminants, and toxic substances as defined in Article 2 of the Clean Air Conservation Act, Article 2 of the Water Quality and Aquatic Ecosystem Conservation Act, and Article 2 of the Chemicals Control Act, or where wastes are generated from any material, container, or product manufactured, processed, or sold in large quantities, the relevant business entity shall retrieve and treat such material, container, or product in accordance with methods publicly notified by Ordinance of the Ministry of Environment for retrieving and treating such wastes. In this regard, when the Minister of Environment intends to publicly notify such methods, he/she shall consult in advance with the heads of relevant central administrative agencies. *<Amended by Act No. 8466, May 17, 2007; Act No. 11862, Jun. 4, 2013>*
- (3) If a business entity fails to retrieve and treat wastes in accordance with methods publicly notified under paragraph (2), the Minister of Environment may recommend him/her to take measures necessary for retrieving and treating them within a given period.

(4) If a person in receipt of such recommendation under paragraph (3) fails to do as recommended, the Minister of Environment may order him/her to take measures required for retrieving and treating such wastes properly.

Article 48 (Orders to Take Measures for Treatment of Wastes)

If it is discovered that wastes have been treated in a manner inconsistent with the standards for and methods of waste treatment under Article 13 or the principles of recycling wastes and matters to be observed under Article 13-2, or have been treated or buried, in violation of Article 8 (1) or (2), the Minister of Environment, the competent Mayor/Do Governor or the head of the competent Si/Gun/Gu may order any of the following persons to change the method of treating such wastes, to suspend the treatment or carrying-in of wastes, or to take any other necessary measures, specifying a period: <Amended by Act No. 13411, Jul. 20, 2015>

1. The person who has treated such wastes;
2. The person who has commissioned another person to treat such wastes without ascertainment required under Article 17 (1) 3;
3. The owner of the land in which such wastes have been treated or buried, if the landowner him/herself has treated such wastes in the land or has allowed another person to use the land for treatment of such wastes.

Article 48-2 (Presentation of Opinions)

When the Minister of Environment, a Mayor/Do Governor or the head of a Si/Gun/Gu intends to issue an order under Article 39-2, 39-3, 40 (2) or (3), or 48, he/she shall notify the relevant person in advance of the grounds for the order to give him/her an opportunity to present his/her opinion about it: Provided, That the foregoing shall not apply where such order is urgently required for the protection of water supply sources or the conservation of environment.

Article 49 (Vicarious Execution)

Where a person to whom an order has been issued to take a measure under Article 39-2, 39-3, 40 (2) or (3), or 48 fails to comply with such order, the Minister of Environment, the competent Mayor/Do Governor, or the head of the competent Si/Gun/Gu may take such measures vicariously in accordance with the Administrative Vicarious Execution Act and recover the expenses incurred in taking such measures.

<Amended by Act No. 10389, Jul. 23, 2010>

Article 50 (Follow-Up Management of Waste Treatment Facilities)

(1) If a person who has installed a waste treatment facility upon obtaining approval for installation or filing a report on installation under Article 29 (2) (including persons who have obtained permission for waste management business under Articles 25) intends to discontinue the operation of the facility installed thereby or close such facility, he/she shall file a report thereon with the Minister of Environment, as prescribed by Ordinance of the Ministry of Environment. In such cases, where a person intends to discontinue the operation of a landfill facility for wastes or close such facility, he/she shall successfully pass an inspection conducted by an inspection agency under Article 30 (1), as prescribed by Ordinance of

the Ministry of Environment. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>

(2) Where the result of an inspection conducted under paragraph (1) turns out to be a failure, the Minister of Environment may order the person who has installed and operates the relevant facility to improve the facility within a fixed period, as prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 13038, Jan. 20, 2015>

(3) Any of the following persons shall implement follow-up management, such as installation and operation of facilities for the treatment of seeping water, as prescribed by Ordinance of the Ministry of Environment, in order to prevent such facility from causing hazards to the health or property of residents or its surrounding environment: <Amended by Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. A person who filed a report under paragraph (1) and has discontinued the operation of any of the landfill facilities for wastes prescribed by Presidential Decree or closed down such facility permanently;
2. A person who has received an order to close down the facility permanently pursuant to Article 31 (5) while using landfill facilities for wastes prescribed by Presidential Decree.

(4) A person obligated to implement follow-up management under paragraph (3) shall undergo a periodic inspection conducted by an inspection agency under Article 30 (1) on whether follow-up management has been properly implemented, as prescribed by Ordinance of the Ministry of Environment. In such cases, a waste treatment facility shall be deemed to have passed a periodic inspection if it has undergone a technical diagnosis under Article 13 of the Environmental Technology and Industry Support Act (excluding where a person fails to comply with a request made under Article 13 (3) of the Environmental Technology and Industry Support Act). <Newly Inserted by Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015>

(5) If a person obligated to implement follow-up management under paragraph (3) fails to perform his/her obligations properly or fails to pass a periodic inspection conducted under paragraph (4), the Minister of Environment may order the person to take corrective measures within a given period, as prescribed by Ordinance of the Ministry of Environment. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015>

(6) If the person to whom an order has been issued under paragraph (5) fails to take any corrective measure within the given period, the Minister of Environment may assign a person designated by Presidential Decree to take the corrective measures on behalf of the person, and may spend the performance bond for follow-up management, the performance guarantee insurance money, or the advance reserve for the follow-up management guarantee bond paid under Article 51 or 52 (hereinafter referred to as "performance bond for follow-up management or similar") for expenses incurred in taking such measures. In such cases, if such expenses exceed the amount of the performance bond for follow-up management or similar, the Minister of Environment may collect the excess from the person to whom such order has been issued. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 13038, Jan. 20, 2015>

Article 51 (Performance Guarantee Bond for Follow-up Management of Waste Treatment Facilities)

(1) If it is found that a landfill facility for wastes subject to follow-up management under Article 50 (3) may cause serious hazards to the health or property of residents or its surrounding environment due to seepage of water, etc. after the discontinuance of its operation or closedown of the facility, the Minister of Environment may, in order to secure the guarantee for discontinuance of its operation (including closedown) and the performance of the follow-up management (hereinafter referred to as "follow-up management, etc."), require the person who installed such facility to deposit all the necessary expenses incurred in relation to follow-up management, etc. in the special account for environmental improvement under the Framework Act on Environmental Policy, as prescribed by Presidential Decree: Provided, That in any of the following cases, the person may be exempted from the obligation to deposit necessary follow-up management expenses or may be allowed to substitute such deposit of all or some of the follow-up management expenses, as prescribed by Presidential Decree: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

1. If the person carries an insurance policy that guarantees the performance of follow-up management;
2. If the person has accumulated a reserve for expenses necessary for follow-up management under Article 52;
3. If any other cases specified by Presidential Decree exist.

(2) The expenses that a person who installed a waste landfill facility under paragraph (1) shall deposit (hereinafter referred to as "performance guarantee bond for follow-up management") shall be calculated in accordance with the guidelines prescribed by Presidential Decree, and the time and procedures for the payment of such expenses and other necessary matters shall be prescribed by Presidential Decree.

(3) The performance guarantee bond for follow-up management under paragraph (2) shall be collected in the same manner as delinquent national taxes are collected if it has not been paid on or before the deadline for payment.

(4) If a person who installed a waste landfill facility has completely or partially performed his/her obligations for follow-up management, which he/she is obligated to perform each year, the Minister of Environment shall refund a portion of the performance guarantee bond for follow-up management, equivalent to the amount calculated according to the guidelines prescribed by Presidential Decree in proportion to the amount of his/her performance. <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>

Article 52 (Advance Reserve for Performance Guarantee Bond for Follow-Up Management)

(1) The Minister of Environment may require, as prescribed by Presidential Decree, a person who has installed a landfill facility for wastes as prescribed by Presidential Decree to deposit, in advance, all the necessary expenses for the follow-up management, etc. in the special account for environmental improvement under the Framework Act on Environmental Policy, as prescribed by Presidential Decree, before the volume of buried wastes exceeds 50 percent of the permitted treatment capacity or the modification thereto granted under Article 25 (3) and (11) or in the approval or the modification thereto granted under Article 29 (2) and (3): Provided, That the advance deposit of performance guarantee bond

for follow-up management may be substituted by any of the following measures: *<Amended by Act No. 13038, Jan. 20, 2015>*

1. Where an insurance for guarantee of follow-up measures, etc. is purchased;
 2. Where any collateral (excluding landfill facilities for wastes) corresponding to all or part of expenses required for follow-up measures, etc. is provided.
- (2) If the amount of an advance reserve deposited by a person who has installed a facility under paragraph (1) exceeds the performance guarantee bond for follow-up management under Article 51 (1), the Minister of Environment shall refund the difference, as prescribed by Presidential Decree. *<Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010>*

Article 53 (Purposes of Use of Performance Guarantee Bond for Follow-up Management)

The performance guarantee bond for follow-up management and an advance reserve under Articles 51 and 52 shall be used for the following purposes: *<Amended by Act No. 13038, Jan. 20, 2015>*

1. Refunding the performance guarantee bond for follow-up management and the advance reserve for follow-up management of a landfill facility;
2. Vicariously executing the follow-up management of a landfill facility;
3. Vicariously executing the final soil covering referred to in Article 31 (6);
4. Other purposes of use prescribed by Presidential Decree.

Article 54 (Restrictions, etc. on Use of Land Subsequent to Discontinuance of Operation or Closure)

If it is found that a landfill facility for wastes subject to follow-up management under Article 50 (3) is likely to cause a serious hazard to the health or property of residents or its surrounding environment because seeping water leaks therefrom, embankments are washed away, or any other event occurs after the operation of the facility is discontinued or it is closed, the Minister of Environment may place a restriction on the use of the land on which the facility is situated, as prescribed by Presidential Decree, by requiring the person who holds the ownership in, or any right, other than the ownership in, the land to use the land only for growing trees, developing grasslands, or installing park facilities under subparagraph 4 of Article 2 of the Act on Urban Parks, Greenbelts, Etc., sports facilities under subparagraph 1 of Article 2 of the Installation and Utilization of Sports Facilities Act, cultural facilities under Article 2 (1) 3 of the Culture and Arts Promotion Act, or new and renewable energy facilities under subparagraph 3 of Article 2 of the Act on the Promotion of the Development, Use and Diffusion of New and Renewable Energy during the period set by Presidential Decree. *<Amended by Act No. 10389, Jul. 23, 2010; Act No. 11965, Jul. 30, 2013; Act No. 13038, Jan. 20, 2015>*

Article 55 (Coordination in Waste Treatment Services)

(1) Whenever the Minister of Environment or the Mayor/Do Governor coordinates waste management services with local governments pursuant to Article 4 (2) or (4), he/she may request them to jointly use a certain waste treatment facility, including a waste landfill facility, if necessary to do so, and may also request them to prepare support measures necessary for conserving and improving the living environment of the area in which such facility is installed. In such cases, the relevant local government shall comply

with such requests, except in extenuating circumstances. <Amended by Act No. 11914, Jul. 16, 2013>

(2) In order to efficiently coordinate waste treatment services with local governments pursuant to paragraph (1), the Minister of Environment may inspect and evaluate the actual status of waste treatment services and the installation and operation of waste treatment facilities. <Newly Inserted by Act No. 11914, Jul. 16, 2013>

(3) Further details about the methods and procedures for evaluations conducted under paragraph (2) shall be prescribed by Ordinance of the Ministry of Environment. <Newly Inserted by Act No. 11914, Jul. 16, 2013>

Article 56 (State Subsidies, etc.)

(1) The State may fully or partially subsidize local governments, within budgetary limits, for expenses incurred in installing waste treatment facilities. <Amended by Act No. 11914, Jul. 16, 2013>

(2) The Minister of Environment may consider the results of the evaluation conducted under Article 55 (2) when he/she intends to subsidize expenses pursuant to paragraph (1). <Newly Inserted by Act No. 11914, Jul. 16, 2013>

Article 57 (Assistance for Expenses to be Incurred for Installation of Waste Treatment Facilities)

The State or the heads of local governments may, if deemed necessary, grant financial aid to a person who intends to install a waste treatment facility.

Article 58 (Reporting on Performance of Waste Management)

(1) The Mayors/Do Governors shall report the performance of waste management conducted within their jurisdiction during the preceding year to the Minister of Environment by no later than March 31 as prescribed by Ordinance of the Ministry of Environment.

(2) The Minister of Environment may require the Mayors/Do Governors or the heads of Sis/Guns/Gus to report the performance of guidance and control conducted in relation to the affairs of waste management within the extent required for the enforcement of this Act.

Article 58-2 (Korea Waste Association)

(1) Persons specified by Presidential Decree, including persons who have installed and operate waste treatment facilities, waste treatment businesses, and waste-related organizations, may establish the Korea Waste Association (hereafter referred to as the "Association") with approval from the Minister of Environment in order to facilitate the development of the waste-related industry, including surveys and research on wastes, the development of technologies, and the dissemination of information. <Amended by Act No. 11914, Jul. 16, 2013>

(2) The Association shall be incorporated as a corporation.

(3) The Association shall perform the following affairs: <Newly Inserted by Act No. 11914, Jul. 16, 2013>

1. Guidance, surveys, and research for the development of the waste industry;
2. Public relations activities, education, and training regarding wastes;
3. Any other affairs specified by Presidential Decree.

(4) The organization and management of the Association and other necessary matters shall be prescribed by Presidential Decree to the extent necessary for achieving the objectives of its establishment. <Amended

by Act No. 11914, Jul. 16, 2013>

(5) Except as otherwise expressly provided for in this Act, the provisions concerning incorporated associations in the Civil Act shall apply mutatis mutandis to the Association. <Amended by Act No. 11914, Jul. 16, 2013>

Article 59 (Fees)

(1) Any of the following persons shall pay a fee, as prescribed by Ordinance of the Ministry of Environment: <Amended by Act No. 13411, Jul. 20, 2015>

1. A person who intends to undergo an environmental assessment of recycling under Article 13-3 (1);
2. A person who intends to obtain permission under Article 25 (3);
3. A person who intends to have his/her exclusive container manufacturing business registered under Article 25-2 (1);
4. A person who intends to undergo an inspection under Article 30 (1) or (2).

(2) Any of the following institutions may collect a fee, as determined and publicly notified by the Minister of Environment, from persons prescribed in the relevant subparagraph: <Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>

1. An inspection institution under Article 25-2 (4): Persons who intends to undergo an inspection of exclusive containers;
2. A professional waste analysis agency: Persons who intend to entrust the testing and analysis of wastes.

Article 60 (Criteria for Administrative Dispositions)

The criteria for administrative dispositions made against violations of this Act and the orders issued under this Act shall be prescribed by Ordinance of the Ministry of Environment.

Article 61 (Hearing)

The Minister of Environment or the Mayor/Do governor shall, whenever he/she intends to make any of the following dispositions, hold a hearing: <Amended by Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. To revoke approval under Article 13-3 (6);
2. To revoke designation of an agency for environmental assessment of recycling under Article 13-4 (6);
3. To revoke designation of a professional waste analysis agency under Article 17-5;
4. To revoke permission under Article 27;
5. To revoke registration under Article 27-2;
6. To issue an order to close down a waste treatment facility under Article 31 (5);
7. To order to close down waste treatment facilities under Article 46 (7).

Article 62 (Delegation and Entrustment of Authority or Affairs)

(1) Part of the authority vested by the Minister of Environment under this Act may be delegated to each Mayor/Do Governor or the head of an affiliated agency, as prescribed by Presidential Decree. <Amended by

Act No. 11465, Jun. 1, 2012>

(2) Duties of the Minister of Environment or the head of a local government under this Act may be partially entrusted to the Korea Environment Corporation, associations, or other relevant specialized institutions, as prescribed by Presidential Decree. *<Newly Inserted by Act No. 10389, Jul. 23, 2010; Act No. 13038, Jan. 20, 2015>*

(3) The Minister of Environment or the head of a local government may, if deemed necessary for the efficient management and operation of a waste treatment facility or similar installed under this Act, entrust a person capable of managing and operating it to implement such management and operation, as prescribed by Ordinance of the Ministry of Environment (ordinance of the relevant local government where the head of the local government entrusts such management and operation). *<Amended by Act No. 10389, Jul. 23, 2010>*

Article 62-2 (Legal Fiction as Public Officials for Purposes of Penalty Provisions)

Any person, other than a public official from among those who perform the duties entrusted pursuant to Article 62 (2) or (3) shall be deemed a public official for the purposes of the penalty provisions of Articles 129 through 132 of the Criminal Act.

Article 62-3 (Reexamination of Regulations)

The Minister of Environment shall examine the appropriateness of the following matters every three years counting from the following base dates (referring to a date before the same date as the base date of the year that comes every three years), and shall take measures for improvement, etc.:

1. Matters concerning the approval for recycling of wastes under Article 13-3 (3): July 1, 2016;
2. Matters concerning the revocation of approval for recycling of wastes under Article 13-3 (6): July 1, 2016.

Article 63 (Penalty Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than seven years, or by a fine not exceeding 70 million won. In such cases, imprisonment with labor and a fine may be imposed concurrently: *<Amended by Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13411, Jul. 20, 2015>*

1. A person who treats industrial wastes in violation of Article 8 (1);
2. A person who buries or incinerates industrial wastes, in violation of Article 8 (2);
3. A person who recycles any wastes without obtaining approval for recycling of wastes, in violation of Article 13-3 (3).

Article 64 (Penal Provisions)

Any of the following persons shall be punished by imprisonment for not more than five years, or by a fine not exceeding 50 million won: *<Amended by Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>*

1. A person who continuously recycles wastes in spite of the revocation of approval under Article 13-3 (6);

2. A person who obtains designation or designation for modification by deceit or other illegal means;
3. A person who conducts any environmental assessment of recycling without obtaining designation under Article 13-4 (1);
4. A person who manufactures or distributes standard waste bags and marks without a contract executed for vicarious implementation under Article 14 (7);
5. A person who operates a waste treatment business without permission under Article 25 (3);
6. A person who has obtained permission for a waste treatment business under Article 25 (3) by fraudulent or other illegal means;
7. A person who manufactures exclusive containers without being registered under Article 25-2 (1);
8. A person who are registered for exclusive container manufacturing business under Article 25-2 (1) by fraudulent or other illegal means;
9. A person who fails to comply with an order of closure under Article 31 (5).

Article 65 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won: Provided, That imprisonment with labor and a fine may be imposed concurrently in cases falling under subparagraph 1, 6 or 11: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. A person who buries wastes, in violation of Article 13 or Article 24-3 (4);
2. A person who prepares a report on environmental assessment of recycling by deceit or other illegal means and submits it to the Minister of Environment, in violation of Article 13-3 (3);
3. A person who modifies any important matters without obtaining designation for modification, in violation of Article 13-4 (2);
4. A person who allows another person to conduct an environmental assessment of recycling by using his/her name or trade name or lends a certificate of designation as an agency for environmental assessment, in violation of Article 13-4 (4);
5. A person who conducts an environmental assessment of recycling by using another person's name or trade name or borrows a certificate of designation as an agency for environmental assessment;
6. A person who collects, transports, or recycles food wastes among industrial wastes, in violation of Article 15-2 (3);
7. A person who obtains designation or designation for modification as a professional waste analysis agency by deceit or other illegal means;
8. A person who performs business of a professional waste analysis agency without obtaining designation or designation for modification under Article 17-2 (1) or (3);
9. A professional waste analysis agency that conducts testing and analysis of wastes during the business suspension period fixed under Article 17-5 (2);

10. A professional waste analysis agency that intentionally issues a report on the results of analysis of wastes differently from the fact;
11. A person who treats industrial wastes or imported wastes, in violation of Article 18 (1) or 24-3 (1);
12. A person who fails to comply with an order to take necessary measures under Article 24-2 (3);
13. A person who exports imported wastes as the same state or condition as they were imported, in violation of Article 24-3 (5);
14. A person who amends permitted matters of waste treatment business without obtaining modified permission under Article 25 (11);
15. A person who fails to undergo an inspection, in violation of Article 25-2 (4);
16. A person who performs business during the business suspension period fixed under Article 27;
17. A person who performs business during the business suspension period fixed under Article 27-2 (2);
18. A person who installs a waste treatment facility without approval, in violation of Article 29 (2);
19. A person who operates a waste treatment facility without an inspection or verification on conformity, in violation of Article 30 (1) through (3);
20. A person who fails to comply with an order for improvement or for suspension of operation issued under Article 31 (4);
21. A person who fails to comply with an order issued under Article 39-2, 39-3, or 40 (2), (3) or (4) 1;
22. A person who fails to comply with an order to take measures under Article 47 (4);
23. A person who fails to comply with an order to take measures under Article 48;
24. A person who discontinues the operation of a landfill facility for wastes or closes down such facility without passing an inspection, in violation of the latter part of Article 50 (1);
25. A person who fails to comply with an order for improvement issued under Article 50 (2);
26. A person who fails to undergo a periodic inspection, in violation of Article 50 (4);
27. A person who fails to comply with an order to take corrective measures issued under Article 50 (5).

Article 66 (Penal Provisions)

Any of the following persons shall be punished by imprisonment with labor for not more than two years, or by a fine not exceeding 20 million won: <Amended by Act No. 8613, Aug 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 12321, Jan. 21, 2014; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. A person who contaminates a surrounding environment in the course of waste treatment, in violation of Article 13, 13-2 or 24-3 (4) (excluding a violation of subparagraph 1 of Article 65);
- 1-2. A person who recycles any wastes, in violation of the conditions for approval imposed under Article 13-3 (5);
- 1-3. A person who fails to comply with an order to take measures under Article 13-5 (5);
2. A person who fails to file a report or who files a false report, in violation of Article 24-2 (1) or 46 (1); 24-2 (1) or 46 (1);
3. Deleted; <by Act No. 8613, Aug 3, 2007>

4. A person who fails to obtain verification under Article 17 (3) or verification on changes under Article 17 (4) (excluding change of trade name under subparagraph 1), or who discharges, transports, or treats controlled waste in a manner different from the details verified or the changes thereof;
- 4-2. A waste analysis agency which lets another person perform any affairs relating to the testing and analysis of wastes by using its name or trade name or lends its certificate of designation to another person, in violation of Article 17-3 (1);
- 4-3. A professional waste analysis agency which issues, by gross negligence, a waste analysis report, the details of which are different from the fact;
5. Deleted; <by Act No. 13038, Jan. 20, 2015>
6. A person who conducts his/her business in deviation from the type and scope of business under Article 25 (5);
7. A person who breaches a condition under Article 25 (7);
8. A person who allows another person to use his/her name or trade name in waste treatment or who lends his/her permit to another person, in violation of Article 25 (8);
9. A person who stores wastes, in violation of Article 25 (9) 1 or 2;
- 9-2. A person who changes any registered matter, without completing the modification of registration under Article 25-2 or after completing the modification thereof in falsehood;
- 9-3. A person who lets another person manufacture exclusive containers by using his/her name or trade name or lends his/her certificate of registration to another person, in violation of Article 25-2 (5);
- 9-4. A person who distributes exclusive containers which fail to meet the standards referred to in Article 25-2 (3), in violation of Article 25-2 (6);
10. A person who installs or operates a waste incineration facility, although the installation of which is prohibited, in violation of Article 29 (1);
11. A person who installs a waste treatment facility without filing a report in violation of Article 29 (2);
12. A person who amends any item approved without approval for such modification in violation of Article 29 (3);
13. A person who maintains and manages a waste treatment facility not in compliance with the guidelines for management under Article 31 (1) and consequently contaminates the surrounding environment;
14. A person who fails to comply with an order to take a measurement or make an assessment under Article 31 (7);
15. and 16. Deleted; <by Act No. 10389, Jul. 23, 2010>

Article 67 (Joint Penalty Provisions)

If a representative of a corporation, or an agent, employee, or any other servant of the corporation or an individual commits an offense under Articles 63 through 66 in connection with the duties of such corporation or individual, not only shall the offender be punished accordingly, but such corporation or individual also shall be punished by the fine provided in the relevant Article: Provided, That this shall not

apply where the corporation or individual has not been negligent in giving due attention and supervision concerning the relevant duties to prevent such offense.

Article 68 (Administrative Fines)

(1) Any of the following persons shall be punished by an administrative fine not exceeding ten million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015; Act No. 13411, Jul. 20, 2015>

1. A person who treats wastes, in violation of Article 13, 13-2, or 24-3 (4) (excluding any person who falls under subparagraph 1 of Article 65 or subparagraph 1 of Article 66);
- 1-2. A person who collects, transports, or recycles food wastes, among household wastes, in violation of Article 15-2 (3);
- 1-3. A person who fails to file a report, or files a false report, in violation of Article 17 (2);
- 1-4. A person who fails to comply with the matters to be observed under Article 17-3 (2) and (3);
- 1-5. A person who fails to record matters concerning the delivery and receipt of wastes or to record in accordance with the methods prescribed by Ordinance of the Ministry of Environment, or who falsely records them, in violation of Article 18 (3) or 24-3 (2);
2. Deleted; <by Act No. 13038, Jan. 20, 2015>
3. A person who fails to comply with the rules under Article 25 (9) 3 or 4;
- 3-2. A person who fails to file a report on modification under Article 25-2 (1) or changes any registered matter after filing a false report;
- 3-3. A person who fails to comply with the matters to be observed under Article 25-2 (6) (excluding cases falling under subparagraph 9-4 of Article 66);
4. A person who maintains or manages a waste treatment facility in a manner not in compliance with the standards for such management, in violation of any provision of Article 31 (1) through (3) or who fails to take a measure of the pollutants or administer an examination of impacts on the neighboring area (excluding any person who falls under subparagraph 14 of Article 66);
5. A person who fails to appoint a technical manager or fails to enter into a contract for technical management services, in violation of Article 34 (1);
6. A person who fails to comply with an order to submit a report under Article 38 (3) (applicable only to persons specified in Article 38 (1) 3 and 4);
- 6-2. A person who fails to take a measure required under each subparagraph of Article 40 (1);
7. Deleted; <by Act No. 10389, Jul. 23, 2010>
8. A person who fails to comply with an order of renewal under Article 40 (8);
9. A person who manufactures or distributes any recycled products or materials, using wastes that fail to meet the Hazard Criteria, in violation of Article 13-5 (2);
10. A person who continues to treat wastes during a period for which waste treatment is prohibited under Article 46 (7).

(2) Any of the following persons shall be punished by an administrative fine not exceeding three million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>

1. A person who fails to verify under Article 17 (1) 1;
- 1-2. A person who entrusts someone to provide him/her with a service without verification under Article 17 (1) 3;
- 1-3. A person who fails to obtain verification on modification of a trade name under Article 17 (4) 1;
2. A person who fails to perform his/her obligations to comply with the guidelines publicly notified pursuant to Article 17 (5);
3. Deleted; <by Act No. 13411, Jul. 20, 2015>
4. Deleted; <by Act No. 10389, Jul. 23, 2010>
5. A person who modifies any reported matter without filing a report on such modification required under Article 17 (2), 24-2 (2), 25 (11), 29 (3), or 46 (3);
6. A person who fails to notify a delivery number to the competent administrative agency or public officials despite their request, in violation of Article 19 (1) or 24-3 (3);
7. A person who fails to give notice, in violation of Article 19 (2);
8. Deleted; <by Act No. 8613, Aug. 3, 2007>
9. A person who fails to file a report, in violation of Article 37 (1) or to treat all the wastes stored by him/her, in violation of paragraph (2) of the same Article;
- 9-2. A person who fails to submit a report by the deadline required under Article 38 (1) or prepares and submits a false report (limited to persons under Article 38 (1) 3);
- 9-3. A person who fails to comply with an order to submit a report under Article 38 (3) (excluding cases of paragraph (1) 6);
- 9-4. A person who fails to submit a report referred to in Article 38 (5) until the deadline or submits a false report;
10. A person who fails to renew the performance guarantee insurance policy under Article 40 (7);
11. A person who fails to comply with the rules under Article 46 (6);
12. A person who sells standard waste bags and marks without a contract executed for vicarious implementation under Article 14 (7).

(3) Any of the following persons shall be punished by an administrative fine not exceeding one million won: <Amended by Act No. 8613, Aug. 3, 2007; Act No. 10389, Jul. 23, 2010; Act No. 11914, Jul. 16, 2013; Act No. 13038, Jan. 20, 2015>

1. A person who disposes of, buries or incinerates household wastes, in violation of Article 8 (1) or (2);
2. A person who fails to comply with an order to take a measure, in violation of Article 8 (3);
3. A person who violates Article 15 (1) or (2);
4. A person who fails to comply with the rules prescribed by Municipal Ordinance, in violation of Article 15-2 (1);

- 4-2. A person who fails to report his/her plan to restrain the generation of food wastes and properly treat such wastes, in violation of Article 15-2 (2);
- 4-3. A person who fails to enter information about the delivery and receipt of wastes in the electronic information processing program within a prescribed period or enters inadequate information in the program, in violation of Article 18 (3) or 24-3 (2);
5. A person who commences the operation of a facility without filing a report under Article 29 (4);
6. A person who fails to take a training course or fails to provide an opportunity to take training courses in violation of Article 35 (1) or (2);
7. A person who fails to keep or preserve books under Article 36 (1) or who makes a false entry therein;
8. A person who fails to submit a report under Article 38 (1) or (2) within a prescribed period or who prepares and submits a false report (excluding persons under paragraph (2) 9-2);
9. A person who fails to submit materials necessary for preparing a report under Article 38 (4) within a prescribed period or who prepares and submits a false report;
10. A person who fails to file a report under Article 39 (1) or who files a false report;
11. A person who rejects, interferes with, or evades an access or inspection under Article 39 (1);
12. A person who fails to submit an original of insurance policy under Article 40 (9);
13. A person who fails to notify any change under Article 40 (10);
14. A person who fails to file a report under Article 50 (1).
- (4) Administrative fines referred to in paragraphs (1) through (3) shall be imposed and collected by the Minister of Environment, a Mayor/Do Governor, or the head of a Si/Gun/Gu, as competent in each cases, as prescribed by Presidential Decree. <Amended by Act No. 11465, Jun. 1, 2012; Act No. 11914, Jul. 16, 2013>
- (5) through (7) Deleted. <by Act No. 10389, Jul. 23, 2010>

ADDENDA

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 3 (1) 4 above and Article 9 (40) of Addenda shall enter into force on September 28, 2007; the amended provisions of subparagraphs 4 and 5 of Article 2 and Article 25 (9) above on January 4, 2008; the amended provisions of Articles 3 (2) and 18 (1) above and Article 9 (42) of Addenda on January 20, 2008; and the amended provision of Article 9 (29) of Addenda on January 27, 2008, respectively.

Article 2 (Transitional Measure concerning Enforcement Date)

The former provisions of subparagraphs 4 and 5 of Article 2 and Articles 3 (1) 4 and (2), 25 (1), and 26 (9) shall remain in effect until the amended provisions of subparagraph 4 and 5 of Article 2 and Articles 3 (1) 4 and (2), 18 (1), and 25 (9) enter into force pursuant to the proviso to Article 1 of Addenda.

Article 3 (Effective Period)

The amended provisions of Article 12 shall remain in effect until October 4, 2007.

Article 4 (Transitional Measure concerning Reporting on Recycling of Industrial Wastes)

Any person who has filed a report on recycling of industrial wastes in accordance with the former provisions in force as of September 9, 1991, which corresponds to the date of the modification (Act No. 4363) to the Wastes Control Act, shall be deemed to have filed a report on recycling under this Act.

Article 5 (Transitional Measure concerning Reporting by Waste dischargers who discharge Ordinary Wastes in Large Quantities or Specific Wastes)

Any persons who has filed a report as a waste discharger who discharges ordinary wastes in large quantities or specific wastes in accordance with the former provisions in force as of February 5, 1996, which corresponds to the enforcement date of the modification (Act No. 4970) to the Wastes Control Act, shall be deemed to have filed a report as an industrial waste discharger under this Act.

Article 6 (Transitional Measures concerning Permission for Waste Management Business)

(1) Any person who holds a licence for waste recycling business under the former provisions in force as of August 9, 1999, which corresponds to the enforcement date of the modification (Act No. 5865) to the Wastes Control Act, shall be deemed to have obtained permission for the interim waste treatment business under the amended provisions of Article 25 (3) herein.

(2) Any person who files a report on recycling of wastes under the former provisions in force as of August 9, 1999, which corresponds to the enforcement date of the modification (Act No. 5865) to the Wastes Control Act, shall be deemed to have filed a report on recycling of wastes under the amended provision of Article 46 herein.

Article 7 (General Transitional Measure concerning Dispositions)

Acts done by or in relation to an administrative agency under the former provisions in force as at the time this Act enters into force shall be deemed as those performed by or against the administrative agency under this Act.

Article 8 (Transitional Measure concerning Penalty Provisions and Administrative Fines)

Acts done before this Act enters into force shall be governed by the former provisions for the purpose of penalty provisions or provisions concerning administrative fines.

Article 9 Omitted.

Article 10 (Relation with Other Acts)

A citation to the previous Wastes Control Act or any provision thereof by any other statute in force as at the time when this Act enters into force shall be deemed a citation to this Act or a corresponding provision hereof in lieu of the previous provision, if such a corresponding provision exists herein.

ADDENDA <Act No. 8466, May 17, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force six month after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 8486, May 25, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 10 Omitted.

ADDENDA <Act No. 8613, Aug. 3, 2007>

(1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.

(2) (Transitional Measures concerning Transmission of Information on Delivery and Receipt of Wastes to Electronic Information Processing Program) Where a waste delivery note or a simplified waste delivery note is issued under the previous provisions and the delivery and receipt thereof is pending as at the time when this Act enters into force, the transmission of information to the electronic information processing program is deemed made under the amended provisions of Article 18 (3).

(3) (Transitional Measures concerning Penalty Provisions) The previous provisions shall apply for the purposes of penalty provisions to violations committed before this Act enters into force.

ADDENDA <Act No. 8789, Dec 21, 2007>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 9770, Jun. 9, 2009>

Article 1 (Enforcement Date)

This Act shall enter into force on July 1, 2010. (Proviso Omitted.)

Articles 2 through 7 Omitted.

ADDENDA <Act No. 9931, Jan. 13, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDA <Act No. 10219, Mar. 31, 2010>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2011.

Articles 2 through 12 Omitted.

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of subparagraphs 2 and 15 of Article 66 and Articles 67, 68 (1) 1-2 and 6, 68 (2) 9-2, 68 (3) 8 and 9 and 68 (5) through (7) shall enter into force on the date of its promulgation.

Article 2 (Transitional Measures concerning Permission for Waste Treatment Business)

(1) Any person who has obtained permission for waste treatment business listed in the left column of the following table pursuant to the previous provisions as at the time this Act enters into force shall be deemed to have obtained permission for waste treatment business listed in the right column of the same table:

(2) Any person who has obtained permission for any interim waste treatment business or general waste treatment business for recycling as prescribed by Ordinance of the Ministry of Environment pursuant to the previous provisions as at the time this Act enters into force shall be deemed to have obtained permission for waste recycling business listed in any of the amended provisions of Article 25 (5) 5 through 7.

(3) Any person who has filed a report on recycling of wastes pursuant to any previous provision of Article 46 (1) 1 through 6 and 8 as at the time this Act enters into force shall be deemed to have obtained permission for waste recycling business listed in any amended provision of Article 25 (5) 5 through 7: Provided, That he/she shall secure the facilities, equipment and technical human resources under Article 25 (3) and obtain permission to make modifications required under Article 25 (11) within two years after this Act enters into force.

Article 3 (Transitional Measures concerning Administrative Dispositions)

Any administrative disposition (including any disposition taken to impose a penalty surcharge) against any offense committed before this Act enters into force shall be governed by the previous provisions.

Article 4 (Transitional Measures concerning Reporting on Waste Treatment)

(1) Any person who has filed a report on recycling of wastes pursuant to the previous provisions of Article 46 (1) 6 or 7 in force as at the time this Act enters into force shall be deemed to have filed a report on waste treatment pursuant to the amended provisions of Article 46 (1) 1 or 3.

(2) Any person who is deemed to have filed a report pursuant to the previous provisions of Article 46 (4) as at the time this Act enters into force shall be deemed to have filed a report on waste treatment pursuant to the amended provisions of Article 46 (1) 2: Provided, That he/she shall have the facilities, equipment, etc. under the amended provisions of Article 46 (1) and file a report thereon within two years after this Act enters into force.

Article 5 (Transitional Measures concerning Vicarious Execution)

Any vicarious execution performed in relation to any violation of the previous provisions of Article 13 committed before this Act enters into force shall be governed by the previous provisions.

Article 6 (Transitional Measures concerning Penalty Provisions and Administrative Fines)

With respect to the application of penalty provisions and administrative fines to any offenses committed before this Act enters into force, the previous provisions shall prevail.

Article 7 Omitted.

ADDENDA <Act No. 10615, Apr. 28, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation.

Articles 2 through 9 Omitted.

ADDENDA <Act No. 10888, Jul. 21, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 through 17 Omitted.

ADDENDA <Act No. 10911, Jul. 25, 2011>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation.

Articles 2 through 5 Omitted.

ADDENDA <Act No. 11465, Jun. 1, 2012>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Applicability to Periodic Inspections of Landfill Facilities for Wastes under Follow-Up Management)

The amended provisions of Article 50 (3) shall apply also to landfill facilities for wastes under follow-up management as at the time this Act enters into force, however the start date of each periodic inspection shall be counted from the date this Act enters into force.

ADDENDA <Act No. 11862, Jun. 4, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on January 1, 2015.

Articles 2 through 12 Omitted.

ADDENDA <Act No. 11914, Jul. 16, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 4, 7, 8, 15 (1) and (2), 17, 25, 50, 63, and 68 (4) shall enter into force on the date of its promulgation.

Article 2 (Applicability to Plans to Restrain Generation of Food Wastes)

The initial plan to restrain the generation of food wastes under the amended provisions of Article 14-3 shall be formulated within one year after this Act enters into force.

Article 3 (Transitional Measures concerning Plans to Retrain Generation of Food Wastes and Treat such Wastes)

Any person who has submitted a plan for reducing the generation of food wastes under the former provisions as at the time this Act enters into force shall be deemed to have reported a plan to restrain the generation of food wastes and treat such wastes under the amended provisions of Article 15-2 (2).

Article 4 (Transitional Measures concerning Administrative Fines)

The former provisions shall apply to the imposition of administrative fines for violations committed before this Act enters into force, notwithstanding the amended provisions of Article 68 (1) 6 and 68 (2) 9-3.

ADDENDA <Act No. 11965, Jul. 30, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

Articles 2 through 4 Omitted.

ADDENDA <Act No. 11980, Jul. 30, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

Articles 2 and 3 Omitted.

ADDENDA <Act No. 11998, Aug. 6, 2013>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Articles 2 and 3 Omitted.

ADDENDUM <Act No. 12321, Jan. 21, 2014>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 14 (9) shall apply six months after the date of its promulgation.

ADDENDA <Act No. 13038, Jan. 20, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Article 50 (3) shall enter into force on the date of its promulgation.

Article 2 (Applicability to Disqualifications for Permission for Waste Treatment Business)

The amended provisions of subparagraph 5 of Article 26 shall also apply to a person who has filed an application for permission for a waste treatment business before this Act enters into force.

Article 3 (Applicability to Follow-up Management of Waste Treatment Facilities)

The amended provisions of Article 50 (3) shall also apply to a person who has received an order to close down his/her waste treatment facilities under Article 31 (5) before this Act enters into force.

Article 4 (Applicability to Advance Reserve for Performance Guarantee Bond for Follow-Up Management)

The amended provisions of Article 52 (1) shall also apply to a person who has been depositing in advance a performance guarantee bond for follow-up management as at the time this Act enters into force.

Article 5 (Special Provisions concerning Revocation of Permission for Heir who has Succeeded to Rights and Obligations Pertaining to Permission for Waste Treatment Business)

Notwithstanding the amended provisions of Article 27 (1) 2 (b), if an heir who has succeeded to the any of the rights and obligations pertaining to permission for waste treatment business under Article 33 (1) before this Act enters into force transfers the relevant rights and obligations to another person within six months from the date this Act enters into force, the relevant permission for waste treatment business shall not be revoked.

Article 6 (Transitional Measures concerning Designation of Professional Waste Analysis Agency)

A professional waste analysis agency referred to in the former Article 17 (3) 2 as at the time this Act enters into force shall be deemed designated as a professional waste analysis agency under the amended provisions of Article 17-2 (1): Provided, That institutions, other than those prescribed in Article 17-2 (1) 1 through 3, shall obtain designation for modification after being equipped with facilities, equipment, and technical capability as prescribed in Article 17-2 (2) within six months after this Act enters into force.

Article 7 (Transitional Measures concerning Registration of Exclusive Container Manufacturers)

A person who engages in the business of manufacturing exclusive containers as at the time this Act enters into force shall be registered as an exclusive container manufacturer under the amended provisions of Article 25-2 within six months from the date this Act enters into force.

Article 8 (Transitional Measures concerning Incompetent Persons, etc.)

Persons under adult guardianship or limited guardianship referred to in the amended provisions of subparagraph 1 of Article 26 shall be deemed to include persons on whom a declaration of incompetency or quasi-incompetency remains in effect under Article 2 of the Addenda to the amended Civil Act (Act No. 10429).

Article 9 (Transitional Measures concerning Administrative Dispositions)

Notwithstanding the amended provisions of the main sentence of Article 27 (1) 2, excluding its items, a person who falls under any of the disqualifications prescribed in subparagraph 5 of Article 26 as at the time this Act enters into force shall be governed by the former provisions in force.

Article 10 (Transitional Measures concerning Penalty Provisions)

The application of penalty provisions against violations committed before this Act enters into force shall be governed by the former provisions.

Article 11 Omitted.

ADDENDA <Act No. 13411, Jul. 20, 2015>

Article 1 (Enforcement Date)

This Act shall enter into force one year after the date of its promulgation.

Article 2 (Transitional Measures concerning Administrative Fines)

The application of administrative fines against any violation committed before this Act enters into force shall be governed by the former provisions.



Annex 584

Environmental Protection and Management, No. 32/ 2009, 3 October 2009

ENVIROMENTAL PROTECTION AND MANAGEMENT

(Law No. 32/ 2009, dated October 3, 2009)

**BY GRACE OF GOD THE ALMIGHTY
THE PRESIDENT OF THE REPUBLIC OF INDONESIA,**

Considering:

- a. that a proper and healthy environment constitutes a human right of every Indonesian citizen as mandated in Article 28 of the Constitution of 1945;
- b. that national economic development as mandated by the Constitution of 1945 is executed on the basis of sustainable and environmentally-sound development principles;
- c. that the regional economic spirit in the execution of public administration of the Unitary State of the Republic of Indonesia has brought about changes in relations and authority between the government and regional government, including in the field of environmental protection and management;
- d. that the decreasing environmental quality has threatened the continuation of life of human and other creatures so that all stakeholders need to protect and manage the environment seriously and consistently;
- e. that since the rising global warming has caused climate change thus worsening the environmental quality, environmental protection and management are needed;
- f. that in order to better guarantee legal certainty and protect right of everybody to obtain a proper and healthy environment as part of the extensive environmental protection, it's necessary to

renew Law No. 23/1997 on Environmental Management;

- g. that based on the considerations as referred to letters a, b, c, d, e and f, it's necessary to enact a law on environmental protection and management;

In view of:

Article 20, Article 21, Article 28H paragraph (1), as well as Article 33 paragraph (3) and paragraph (4) of the Constitution of 1945;

By Joint Approval of
THE HOUSE OF REPRESENTATIVES OF
THE REPUBLIC OF INDONESIA

And

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

D E C I D E S :

To stipulate :

THE LAW ON ENVIRONMENTAL PROTECTION AND MANAGEMENT.

CHAPTER I

GENERAL PROVISION

Article 1

Referred to in this law as:

1. Environment shall be a totality of space with all materials, resources, situations and creatures, including human and their behavior that influence the nature, continuation of livelihood and human welfare as well as other creatures.
2. Environmental Protection and Management shall be systematic and integrated efforts to preserve the functions of the environment and prevent environmental pollution and/or destruction, which cover planning, utilization, control, preservation, supervision and law enforcement.
3. Sustainable Development shall be conscious and integrated efforts integrating environmental, social and economic aspects into a development strategy to assure the totality of environment as well as safety, capability, welfare and living standards of the present and future generations.
4. Environmental Protection and Management Plan hereinafter abbreviated to RPPLH shall be written planning containing environmental potentials, issues as well as protection and management in a specified period.
5. Ecosystem shall be an order of environment components constituting a comprehensive and mutually influencing totality in forming environmental equilibrium, stability and productivity.
6. Conservation of Environmental Functions shall be a series of efforts to preserve the continuation of the support and carrying capabilities of the environment.
7. Support Capacity of the Environment shall be the capability of the environment to support livelihood of human, other creatures and equilibrium between the both.
8. Carrying Capability of the Environment shall be the capability of the environment to absorb substances, energies and/or other components coming or inserted therein.
9. Natural Resources shall be environmental elements consisting of biological and non-biological resources wholly forming a totality of ecosystem.
10. Strategic Environmental Assessment hereinafter abbreviated to KLHS shall be a series of systematic, comprehensive and participatory analyses to ascertain that the principles of sustainable development have become a basis and been integrated into the development of a region and/or policy, plan and/or program.

11. Environmental Impact Analysis hereinafter called Amdal shall be a study on substantial impacts of a planned business and/or activity in the environment, which is needed for making decision on the operation of business and/or activity.
12. Environmental Management and Monitoring Programs hereinafter called UKL-UPL shall be the management and monitoring of businesses and/or activities not having substantial impacts on the environment, which are needed for making decision on the operation of businesses and/or activities.
13. Quality Standard of the Environment shall be indicator of limit or content of creature, substances, energies or components which exist or must exist and/or pollutants having existence thereof tolerable in a specified resource as environmental substance.
14. Environmental Pollution shall be the incoming or inclusion of creature, substances, energies and/or other components into the environment by human activities so as to exceed the stipulated environmental quality standard.
15. Standard Criteria for Environmental Destruction shall be limits of change in physical, chemical and/or biological characteristics of the environment which are tolerable by the environment so as to be able to preserve its functions.
16. Environmental Destruction shall be human actions changing directly or indirectly physical, chemical and/or biological characteristics of the environment so as to exceed the standard criteria for environmental destruction.
17. Environmental Damage shall be a direct and/or indirect change in physical, chemical and/or biological characteristics of the environment, which exceeds the standard criteria for environmental damage.
18. Natural Resource Conservation shall be the management of natural resources to assure wise utilization and the continuation of their availability by preserving and enhancing the quality of value as well as biodiversity thereof.
19. Climate Change shall be climate change attributed directly or indirectly by human activities thus changing composition of atmosphere globally, besides change in variability of natural climate observed in a comparable period.
20. Waste shall be remainders of a business and/or activity.
21. Hazardous and Toxic Materials hereinafter abbreviated to B3 shall be substances, energies and/or other components which may pollute and/or destroy directly or indirectly the environment and/or endanger the environment, health as well as continuation of life of human and other creatures because of their characteristics, concentration and/or quantity.
22. Waste of Hazardous and Toxic Materials hereinafter called Waste of B3 shall be remainders of a business and/or activity containing B3.
23. B3 Waste Management shall be an activity covering the reduction, storage, collection, transportation, utilization, treatment and/or filling.
24. Dumping shall be an activity to dump, place and/or insert waste and/or materials in a specified quantity, concentration, time and location by certain requirements into a specified environmental media.
25. Environmental Dispute shall be a dispute between two parties, which arises from an activity potential to affect and/or already affecting the environment.
26. Environmental Impact shall be influence on the environment, which is attributable to a business and/or activity.

27. Environmental Organization shall be a group of organized people and established on the basis of their own will, having goal and activity related to the environment.
28. Environmental Audit shall be evaluation executed to judge the compliance of personnel in charge of a business and/or activity to the legal requirements and policies stipulated by the government.
29. Ecoregion shall be geographic areas sharing the same characteristics of climate, land, water, original flora and fauna as well as pattern of human interaction with the nature, which describes integrity of natural and environmental systems.
30. Local Wisdom shall be noble value effective in human life, which are intended to protect and manage the environment eternally.
31. Traditional Community shall be a group of communities living traditionally in a specific geographic area because of binding in origin of ancestor, strong relations with the environment as well as system of values determining economic, political, social and legal structures.
32. Everybody shall be individual or business entity whether in the form of legal entity or not.
33. Environmental economic instrument shall be a set of economic policies to motivate the government, regional government or everybody to conserve the functions of the environment.
34. Serious Threat shall be a threat having extensive impact on the environment and causing public unrest.
35. Environmental Permit shall be a license granted to everybody undertaking businesses and/or activities obliged to undergo Amdal or UKL-UPL in the framework of environmental protection

and management as pre-requisite for securing business and/or activity permit.

36. Business and/or Activity Permit shall be a license issued by a technical institution to undertake a business and/or activity.
37. Central Government hereinafter called the government shall be the President of the Republic of Indonesia holding the executive power of the Republic of Indonesia as referred to in the Constitution of 1945.
38. Regional Governments shall be governors, regents or mayors and regional apparatuses as regional administrators.
39. Minister shall be the Minister in charge of environmental protection and management affairs.

CHAPTER II

PRINCIPLE, GOAL AND SCOPE

Part One

Principle

Article 2

Environmental protection and management shall be executed on the basis of principles:

- a. state responsibility;
- b. conservation and sustainability;
- c. harmony and equilibrium;
- d. integration;
- e. benefit;
- f. prudence;
- g. justice;
- h. ecoregion;
- i. biological diversity;
- j. polluter pays;
- k. participation;
- l. local wisdom;
- m. good governance; and
- n. regional autonomy.

Part Two**Goal****Article 3**

Environmental Protection and Management shall aim:

- a. protecting the territory of the Unitary State of the Republic of Indonesia from environmental pollution and/or damage;
- b. assuring human safety, health and life;
- c. assuring the continuation of life of creatures and ecosystem conservation;
- d. preserving the conservation of environmental functions;
- e. achieving environmental harmony, synchronization and balance;
- f. assuring the fulfillment of justice for the present and future generations;
- g. assuring the fulfillment and protection of right to the environment as part of human rights;
- h. controlling the utilization of natural resources wisely;
- i. realizing sustainable development; and
- j. anticipating global environmental issues.

Part Three**Scope****Article 4**

Environmental Protection and Management shall cover:

- a. planning;
- b. utilization;
- c. control;
- d. preservation;
- e. supervision; and
- f. law enforcement.

CHAPTER III**PLANNING****Article 5**

Environmental protection and management shall be planned through phases:

- a. environmental inventorying;
- b. stipulating ecoregion; and
- c. formulating RPPLH.

Part One**Environmental Inventorying****Article 6**

- (1) The environmental inventorying as referred to in Article 5 letter a shall consist of environmental inventorying:
 - a. in national level;
 - b. in island/archipelago level; and
 - c. in ecoregion level.
- (2) The environmental inventorying shall be done to obtain data and information about natural resources, which cover:
 - a. potential and availability;
 - b. utilized kinds;
 - c. model of control;
 - d. knowledge of management;
 - e. kind of damage; and
 - f. conflict and cause of conflict arising from the management.

Part Two**Stipulation of Ecoregion****Article 7**

- (1) The environmental inventorying as referred to in Article 6 paragraph (1) letter a and letter b shall become a basis in the stipulation of ecoregion and be done by the Minister after coordinating with related institutions.

(2) The ecoregion as referred to in paragraph (1) shall be stipulated by taking into account similarity of:

- a. characteristic of landscape;
- b. river basin area;
- c. climate;
- d. flora and fauna;
- e. socio culture;
- f. economy;
- g. community institution; and
- h. result of environmental inventorying.

Article 8

The environment inventorying in the ecoregion level as referred to in Article 6 paragraph (1) letter c shall aim at determining the support and carrying capabilities as well as reserves of natural resources.

Part Three

Formulation of Environmental Protection and Management

Article 9

(1) RPPLH as referred to in Article 5 letter c shall consist of:

- a. National RPPLH;
- b. Provincial RPPLH; and
- c. Regental/Municipal RPPLH.

(2) The National RPPLH as referred to in paragraph (1) letter a shall be formulated on the basis of national inventorying.

(3) The provincial RPPLH as referred to in paragraph (1) letter b shall be formulated on the basis of:

- a. National RPPLH;
- b. inventorying at the island/archipelago level; and
- c. inventorying at the ecoregion level.

(4) The regental/municipal RPPLH as referred to in paragraph (1) letter c shall be formulated on the basis of:

- a. Provincial RPPLH;
- b. inventorying at the island/archipelago level; and
- c. inventorying at the ecoregion level.

Article 10

(1) RPPLH as referred to in Article 9 shall be formulated by the Minister, governors or regents/mayors by virtue of their authority.

(2) The formulation of RPPLH as referred to in paragraph (1) shall take into account:

- a. diversity of ecological characteristics and functions;
- b. distribution of population;
- c. distribution of natural resource potentials;
- d. local wisdom;
- e. aspirations of communities; and
- f. climate change.

(3) RPPLH shall be governed by:

- a. a government regulation in the case of national RPPLH;
- b. a provincial regulation in the case of provincial RPPLH; and
- c. a regental/municipal regulation in the case of regental/municipal RPPLH.

(4) RPPLH shall contain information about:

- a. utilization and/or reservation of natural resources;
- b. preservation and protection of the environmental quality and/or function;
- c. control, monitoring as well as exploitation and preservation of natural resources; and
- d. adaptation and mitigation of climate change.

(5) RPPLH shall become a basis for the formulation and be written down in a long-term development plan and medium-term development plan.

Article 11

Further provision on the environmental inventorying as referred to in Article 6, stipulation of ecoregion as referred to in Article 7 and Article 8, as well as RPPLH as referred to in Article 9 and Article 10 shall be governed in a government regulation.

**CHAPTER IV
UTILIZATION**

Article 12

- (1) Natural resources shall be utilized on the basis of RPPLH.
- (2) If RPPLH as referred to in paragraph (1) has not been formulated, natural resources shall be utilized on the basis of the support and carrying capabilities of the environment by regarding:
 - a. the continuation of environmental process and function;
 - b. the continuation of environmental productivity; and
 - c. safety, living standard and welfare of communities.
- (3) The support and carrying capabilities of the environment as referred to in paragraph (2) shall be stipulated by:
 - a. the Minister, in the case of the support and carrying capabilities of national and insular/archipelagic environment;
 - b. governors in the case of the support and carrying capabilities of provincial environment and inter-regency/city ecoregion; or
 - c. regents/mayors in the case of the support and carrying capabilities of regental/municipal environment and ecoregion in a regency/city.
- (4) Further provision on procedures for stipulating the support and carrying capabilities of the

environment as referred to in paragraph (3) shall be governed by a government regulation.

CHAPTER V**CONTROL****Part One****General****Article 13**

- (1) Environmental pollution and/or damage shall be controlled in the framework of preserving the environmental functions.
- (2) The control over the environmental pollution and/or damage as referred to in paragraph (1) shall cover:
 - a. prevention;
 - b. mitigation; and
 - c. restoration.
- (3) The control over environmental pollution and/or damage as referred to in paragraph (1) shall be done by the government, regional governments and personnel in charge of businesses and/or activities on the basis of their respective scopes of authority, role, and responsibility.

Part Two**Prevention****Article 14**

Preventing instruments of environmental pollution and/or damage shall consist of:

- a. KLHS;
- b. layout;
- c. quality standard of the environment;
- d. standard criteria for environmental damage;
- e. Amdal;
- f. UKL-UPL;
- g. licensing;
- h. economic instrument of the environment;
- i. environment-based legislation;

- j. environment-based budget;
- k. environmental risk analysis;
- l. environmental audit; and
- m. other instruments in accordance with the need and/or developments of science.

Paragraph 1

Strategic Environmental Assessment

Article 15

- (1) The government and regional governments shall be obliged to make KLHS to ascertain that the principles of sustainable development have become a basis of and been integrated into the development of a region and/or policy, plan and/or program.
- (2) The government and regional government shall be obliged to implement KLHS as referred to in paragraph (1) in the formulation or evaluation of:
 - a. spatial plan (RTRW) along with detailed plan thereof, national, provincial and regental/municipal long-term development plan (RPJP), and medium term development plan; and
 - b. policies, plans and/or programs potential to cause environmental impacts and/or risks.
- (3) KLHS shall be executed by mechanism of:
 - a. assessment of influence of policies, plans and/or programs against the environmental condition in a region;
 - b. formulation of alternatives for the improvement of policies, plans and/or programs; and
 - c. recommendation about improvement for making decision on policies, plans and/or programs integrating the principles of sustainable development.

Article 16

KLHS shall contain assessment of, among others:

- a. the capability of the environment to support and carry development;
- b. estimated environmental impacts and risks;
- c. performance of service/ecosystem service;
- d. efficiency in the utilization of natural resources;
- e. vulnerability and capacity of adaptation to climate change; and
- f. security and potential of biological diversity.

Article 17

- (1) Results of KLHS as referred to in Article 15 paragraph (3) shall become a basis for development policies, plans and/or programs in a region.
- (2) In the case of the results of KLHS as referred to in paragraph (1) certifying that the support and carrying capabilities have been excessive,
 - a. the development policies, plans, and/or programs shall be improved in accordance with recommendation of KLHS; and
 - b. all businesses and/or activities already surpassing the support and carrying capabilities of the environment shall not be permitted anymore.

Article 18

- (1) KLHS as referred to in Article 15 paragraph (1) shall be executed by involving communities and stakeholders.
- (2) Further provision on procedures for the implementation of KLHS shall be governed in a government regulation.

Paragraph 2

Layout

Article 19

- (1) In order to preserve the conservation of environmental functions and public safety, every spatial plan shall be based on KLHS.

- (2) The spatial planning as referred to in paragraph (1) shall be stipulated by observing the support and carrying capabilities of the environment.

Paragraph 3

Quality Standard of Environment

Article 20

- (1) Environmental pollution shall be measured through the quality standard of the environment.
- (2) The quality standard of the environment shall include:
- quality standard of water;
 - quality standard of waste water;
 - quality standard of sea water;
 - quality standard of ambient air;
 - quality standard of emission;
 - quality standard of nuisance; and
 - other quality standards in accordance with developments of science and technology.
- (3) Everybody shall be permitted to dispose waste into environmental media with the requirements:
- complying with the quality standard of the environment; and
 - securing license from the Minister, governors or regents/mayors by virtue of their authority.
- (4) Further provision on the quality standard of the environment as referred to in paragraph (2) letter a, letter c, letter d, and letter g shall be regulated in a government regulation.
- (5) Further provision on the quality standard of the environment as referred to in paragraph (2) letter b, letter e, and letter f shall be governed in a regulation of the Minister.

Paragraph 4

Standard Criteria for Environmental Damage

Article 21

- (1) Criteria for environmental damage shall be stipulated to determine the occurrence of environmental damage.

- (2) Standard criteria for environment damage shall include standard criteria for ecosystem damage and standard criteria for damage attributed to climate change.

- (3) Kriteria baku kerusakan ekosistem meliputi:

- standard criteria for soil damage for biomass production;
- standard criteria for damage of coral reef;
- standard criteria for environmental damage related to forest and/or land fire;
- standard criteria for mangrove damage;
- standard criteria for lawn;
- standard criteria for peat damage;
- standard criteria for karst area; and/or
- standard criteria for other ecosystem damage in accordance with developments of science and technology.

- (4) Standard criteria for damage attributed to climate change shall be based on parameters, among others:

- increase in temperature;
- increase in sea water surface;
- typhoon; and/or
- drought.

- (5) Further provision on the standard criteria for the environmental damage as referred to in paragraph (3) and paragraph (4) shall be regulated by on the basis of a government regulation.

Paragraph 5

A m d a l

Article 22

- (1) Every business and/or activity having substantial impact on the environment shall be obliged to have Amdal.
- (2) The substantial impact shall be stipulated on the basis of criteria:

- a. the quantity of population to be affected by the business and/or activity plan;
- b. the size of distribution area of impact;
- c. intensity and duration of impact;
- d. environmental components to be affected;
- e. cumulative characteristic of impact;
- f. whether impacts reverts or not; and/or
- g. other criteria in accordance with developments of science and technology.

Article 23

(1) Criteria for business and/or activity having substantial impact shall be furnished with amdal consisting of:

- a. change in formation of land and landscape;
- b. exploitation of natural resources, either renewable or non-renewable;
- c. process and activity potential to cause environmental pollution and/or damage as well as squandering and degradation of natural resources in the utilization;
- d. process and activity having results potential to influence the natural environment, artificial environment as well as socio and cultural environment;
- e. process and activity having result influencing the conservation of conservation area of natural resources and/or protection of cultural reserves;
- f. introduction of plants, animals and micro-organism;
- g. production and utilization of biological and non-biological substances;
- h. activity which is highly risky and/or influence state defense; and/or
- i. application of technology predicted to have great potential to influence the environment.

(2) Further provision on businesses and/or activities obliged to have amdal as referred to in

paragraph (1) shall be governed by a regulation of the Minister.

Article 24

The document of as referred to in Article 22 shall constitute a basis for stipulating decision on environmental feasibility.

Article 25

Amdal document shall contain:

- a. study on impact of business and/or activity plan;
- b. evaluation of activities around the location of business and/or activity plan;
- c. public recommendation, input as well as response to business and/or activity plan;
- d. estimate of the coverage and important characteristic of the occurring impact if the business and/or activity plan is/are executed;
- e. holistic evaluation of the occurring impact to determine environmental feasibility or unfeasibility; and
- f. environmental management and monitoring plan.

Article 26

- (1) The amdal document as referred to in Article 22 shall be formulated by initiators by involving communities.
- (2) The involvement of communities shall be based on principle of provision of information transparently and completely as well as shall be notified prior to the execution of the activity.
- (3) The communities as referred to in paragraph (1) shall include:
 - a. the affected communities;
 - b. environmental activists; and/or
 - c. parties affected by all kinds of decision in amdal process.
- (4) The communities as referred to in paragraph (1) may raise objection to the amdal document.

Article 27

In formulating amdal document, the initiators as referred to in Article 26 paragraph (1) may seek assistance from other parties.

Article 28

- (1) Formulators of amdal as referred to in Article 26 paragraph (1) and Article 27 shall have certificate of competence of amdal formulator.
- (2) Criteria for securing the certificate of competence of amdal formulator as referred to in paragraph (1) shall include:
 - a. mastery of amdal formulation methodology;
 - b. capability of scoping, predicting and evaluating impact as well as making decision; and
 - c. capability of formulating environmental management and monitoring plan.
- (3) The certificate of competence of Amdal formulator as referred to in paragraph (1) shall be issued by amdal formulator certification institute stipulated by the Minister in accordance with the provision of legislation.
- (4) Further provision on certification and criteria for competence of amdal formulators shall be regulated by a regulation of the Minister.

Article 29

- (1) Amdal document shall be judged by amdal appraisal commission established by the Minister, governors or regents/mayors by virtue of their authority.
- (2) The amdal appraisal commission shall secure license from the Minister, governors or regents/mayors by virtue of their authority.
- (3) Requirements and procedures for the licensing as referred to in paragraph (2) shall be regulated by a regulation of the Minister.

Article 30

- (1) Members of the Amdal appraisal commission as referred to in Article 29 shall consist of representatives of:
 - a. environmental institution;
 - b. related technical institutions;
 - c. experts in the field of knowledge related to kinds of the assessed business and/or activity;
 - d. experts in the field of knowledge related to impacts, which arise from the assessed business and/or activity;
 - e. communities potential to affect; and
 - f. environmental organization.
- (2) In executing the task, the Amdal appraisal commission shall be assisted by a technical team consisting of independent experts undertaking technical assessment and secretariat established for the purpose.
- (3) The independent experts and secretariat as referred to in paragraph (3) shall be stipulated by the Minister, governors or regents/mayors by virtue of their authority.

Article 31

Based on result of judgment by the amdal appraisal commission, the Minister, governors or regents/mayors shall stipulate decision on environmental feasibility or unfeasibility by virtue of their authority.

Article 32

- (1) The government and regional governments shall help the formulation of amdal for businesses and/or activities of economically weak groups having substantial impact on the environment.
- (2) The assistance provided for the formulation of amdal as referred to in paragraph (1) shall be in the form of facilitation, costs and/or formulation of amdal.

- (3) Criteria for businesses and/or activities of economically weak groups shall be regulated by legislation.

Article 33

Further provision on amdal as referred to in Article 22 up to Article 32 shall be regulated in a government regulation.

Paragraph 6

UKL-UPL

Article 34

- (1) Every business and/or activity excluding from the criteria for undertaking amdal compulsorily as referred to in Article 23 paragraph (1) shall be obliged to have UKL-UPL.
- (2) Governors or regents/mayors shall stipulate kinds of businesses and/or activities obliged to have UKL-UPL.

Article 35

- (1) Businesses and/or activities not obliged to have UKL-UPL as referred to in Article 34 paragraph (2) shall be obliged to prepare statement of readiness to manage and monitor the environment.
- (2) The kinds of businesses and/or activities as referred to in paragraph (1) shall be stipulated on the basis of criteria:
- a. excluding from the category having substantial impact as referred to in Article 23 paragraph (1); and
 - b. micro- and small-scale business activities.
- (3) Further provision on UKL-UPL and statement of readiness to manage and monitor environment shall be regulated by a regulation of the Minister.

Paragraph 7

Licensing

Article 36

- (1) Every business and/or activity obliged to have amdal or UKL-UPL shall be obliged to have environmental permit.
- (2) The environmental permit as referred to in paragraph (1) shall be issued on the basis of decision on environmental feasibility as referred to in Article 31, or recommendation of UKL-UPL.
- (3) The environmental permit as referred to in paragraph (1) shall be obliged to mention requirements contained in decision on environmental feasibility or recommendation of UKL-UPL.
- (4) The environmental permit shall be issued by the Minister, governors or regents/mayors by virtue of their authority.

Article 37

- (1) The Minister, governors or regents/mayors by virtue of their authority shall be obliged to reject application for environmental permit in the case of the application being not accompanied by amdal or UKL-UPL.
- (2) The environmental permit as referred to in Article 36 paragraph (4) may be nullified in the event that:
- a. the requirements submitted in the application for environmental permit contain legal invalidity, mistake, misuse, as well as untruth and/or falsified data, documents and/or information;
 - b. the issuance thereof fails to abide by the requirements mentioned in the decision of the commission on environmental feasibility or recommendation of UKL-UPL; or

- c. the obligations stipulated on document of amdal or UKL-UPL are not executed by the personnel in charge of businesses and/or activities.

Article 38

Besides the provision as referred to in Article 37 paragraph (2), the environmental permit may be nullified through a decision of the state administration court.

Article 39

- (1) The Minister, governors or regents/mayors by virtue of their authority shall be obliged to announce every application and decision on environmental permit.
- (2) The announcement as referred to in paragraph (1) shall be done by a method that the public could understand easily.

Article 40

- (1) The environmental permit shall constitute a requirement for securing business and/or activity permit.
- (2) In the case of environmental permit being revoked, the business and/or activity permit shall be nullified.
- (3) In the case of any change in business and/or activity, personnel in charge of the business and/or activity shall be obliged to renew environmental permit.

Article 41

Further provision on the permit as referred to in Article 36 up to Article 40 shall be regulated in a government regulation.

Paragraph 8

Economic Instrument of Environment

Article 42

- (1) In the framework of preserving the environmental function, the government and regional governments shall be obliged to develop economic instruments of the environment.
- (2) The economic instruments of the environment as referred to in paragraph (1) shall include:
- planning of economic development and activities;
 - environmental funding; and
 - incentives and/or disincentives.

Article 43

- (1) The instrument of planning of economic development and activities as referred to in Article 42 paragraph (2) letter a shall include:
- balance of natural resources and environment;
 - formulation of gross domestic product and regional gross domestic product covering the depreciation of natural resources and environmental damage;
 - mechanism of environmental compensation/exchange between regions; and
 - internalization of environmental costs.
- (2) The instrument of the environmental funding as referred to in Article 42 paragraph (2) letter b shall include:
- guarantee funds of environmental restoration;
 - funds of pollution and/or damage mitigation and environmental restoration; and
 - conservation trust funds/aids.
- (3) The incentives and/or disincentives as referred to in Article 42 paragraph (2) letter c shall be among other applied in the form of:

a. procurement.....

- a. procurement of environmentally sound goods and services;
 - b. application of environmental tax, levy and subsidy;
 - c. development of environmentally sound financial institution and capital market;
 - d. development of trading system of waste and/or emission disposal permit;
 - e. development of environmental service payment system;
 - f. development of environmental insurance;
 - g. development of environmentally sound labeling system; and
 - h. system of performance appreciation in the field of environmental protection and management.
- (4) Further provision on the economic instruments of the environment as referred to in Article 42 and Article 43 paragraph (1) up to paragraph (3) shall be regulated in a government regulation.

Paragraph 9

Environment-based Legislation

Article 44

The formulation of every regulation in the national and regional levels shall be obliged to observe the protection of environmental functions and principles of environmental protection and management in accordance with the provisions governed in this law.

Paragraph 10

Environment-based Budget

Article 45

- (1) The government and the House of Representatives of the Republic of Indonesia as well as

regional governments and Regional Legislative Councils shall be obliged to allocate adequate budget to finance:

- a. activities of environmental protection and management; and
- b. environmentally-sound development programs.

- (2) The government shall be obliged to allocate a budget of special environment allocation adequately to regions showing good environmental-protection and management performance.

Article 46

Besides the provision as referred to in Article 45, in the framework of restoring the quality of environment already polluted and/or damaging when this law is stipulated, the government and regional government shall be obliged to allocate a budget to environmental restoration.

Paragraph 11

Environmental Risk Analysis

Article 47

- (1) Every business and/or activity potential to bring about substantial impact into the environment, threat against ecosystem and life and/or human health and safety shall be obliged to undergo environmental risk analysis.
- (2) The environmental risk analysis as referred to in paragraph (1) shall include:
- a. risk assessment;
 - b. risk management; and/or
 - c. risk communications.
- (3) Further provision on the environmental risk analysis shall be regulated in a government regulation.

Paragraph 12
Environmental Audit

Article 48

The government shall encourage personnel in charge of businesses and/or activities to undertake environmental audit in the framework of enhancing environmental performance.

Article 49

- (1) The Minister shall require environmental audit for:
 - a. certain businesses and/or activities highly risky to the environment; and/or
 - b. personnel in charge of businesses and/or activities showing disobedience to legislation.
- (2) Personnel in charge of businesses and/or activities shall be obliged to implement environmental audit.
- (3) The environmental audit of the certain highly risky activities shall be executed periodically.

Article 50

- (1) In the case of personnel in charge of businesses and/or activities not executing the obligations as referred to in Article 49 paragraph (1), the Minister may implement or assign the independent third party to undertake environmental audit at expense of the said personnel in charge of businesses and/or activities.
- (2) The Minister shall announce result of environmental audit.

Article 51

- (1) The environmental audit as referred to in Article 48 and Article 49 shall be executed by environmental auditor.
- (2) The environmental auditor as referred to in paragraph (1) shall be obliged to have certificate of environmental auditor competence.

- (3) Criteria for securing the environmental auditor competence certificate as referred to in paragraph (2) shall include capability of:

- a. understanding principles, methodology and mechanism of environmental audit;
- b. executing environmental audit, which covers planning, implementation, concluding and reporting; and
- c. formulating recommendation about improvement measures as follow to the environmental audit.

- (4) The environmental auditor competence certificate as referred to in paragraph (2) shall be issued by the environment auditor certification institute in accordance with the provisions of legislation.

Article 52

Further provision on the environmental audit as referred to in Article 48 up to Article 51 shall be governed by a regulation of the Minister.

Part Three

Mitigation

Article 53

- (1) Everybody polluting and/or damaging the environment shall be obliged to mitigate the environmental pollution and/or damage.
- (2) The environmental pollution and/or damage as referred to in paragraph (1) shall be mitigated by:
 - a. providing information about the warning of environmental pollution and/or damage for communities;
 - b. isolating environmental pollution and/or damage;
 - c. discontinuing source of environmental pollution and/or damage; and/or

d. other.....

d. other methods in accordance with developments of science and technology.

- (3) Further provision on procedures for mitigating the environmental pollution and/or damage as referred to in paragraph (1) shall be regulated in a government regulation.

**Part Four
Restoration
Article 54**

- (1) Everybody polluting and/or damaging the environment shall be obliged to restore the environmental function.
- (2) The environmental function as referred to in paragraph (1) shall be restored by phases:
- a. discontinuation of source of pollution and cleaning of pollutant;
 - b. remedy;
 - c. rehabilitation;
 - d. restoration; and/or
 - e. other methods in accordance with developments of science and technology.
- (3) Further provision on procedures for the restoration of the environmental function as referred to in paragraph (2) shall be regulated in a government regulation.

Article 55

- (1) Holders of the environmental permit as referred to in Article 36 paragraph (1) shall be obliged to provide guarantee funds for the restoration of the environmental function.
- (2) The guarantee funds shall be saved at state banks appointed by the Minister, governors or regents/mayors by virtue of their authority.
- (3) The Minister, governors or regents/mayors by virtue of their authority may stipulate the third party to restore the environmental function by using guarantee funds.

- (4) Further provision on the guarantee funds as referred to in paragraph (1) up to paragraph (3) shall be regulated in a government regulation.

Article 56

Further provision on control over the environmental pollution and/or damage as referred to in Article 13 up to Article 55 shall be regulated in a government regulation.

**CHAPTER VI
PRESERVATION**

Article 57

- (1) Environmental preservation shall be done through efforts:
- a. conservation of natural resources;
 - b. reservation of natural resources; and/or
 - c. conservation of atmosphere function.
- (2) The conservation of natural resources as referred to in paragraph (1) letter a shall include activities:
- a. protection of natural resources;
 - b. preservation of natural resources; and
 - c. eternal utilization of natural resources.
- (3) The reserved natural resources as referred to in paragraph (1) letter b shall constitute natural resources not manageable in a specified period.
- (4) The conservation of atmosphere function as referred to in paragraph (1) letter c shall include:
- a. mitigation and adaptation to climate change;
 - b. protection of ozone layer; and
 - c. protection against acid rain.
- (5) Further provision on conservation and reservation of natural resources as well as conservation of the atmosphere as referred to in paragraph (1) shall be regulated by a government regulation.

**CHAPTER VII
MANAGEMENT OF HAZARDOUS AND
TOXIC MATERIALS AS WELL AS WASTE OF
HAZARDOUS AND TOXIC MATERIALS**

Part One

Management of Hazardous and Toxic Materials

Article 58

- (1) Everybody importing into the territory of the Unitary State of the Republic of Indonesia, producing, carrying, distributing, storing, utilizing, disposing, processing and/or piling B3 shall be obliged to manage the said B3.
- (2) Further provision on the management of B3 as referred to in paragraph (1) shall be regulated in a government regulation.

Part Two

**Management of Waste of Hazardous
and Toxic Materials**

Article 59

- (1) Everybody producing waste of B3 shall be obliged to manage the produced waste of B3.
- (2) In the case of B3 as referred to in Article 58 paragraph (1) already expiring, the management thereof shall abide by the provision on the management of waste of B3.
- (3) In the case of the party being unable to manage directly waste of B3, the management thereof may be entrusted to the other party.
- (4) Management of B3 waste shall be obliged to secure license from the Minister, governors or regents/mayors by virtue of their authority.
- (5) The Minister, governors or regents/mayors by virtue of their authority shall mention environmental requirements that shall be fulfilled and obligations that shall be obeyed by managers of B3 waste in their license.
- (6) The licensing decision shall be announced.
- (7) Further provision on the management of B3 waste shall be regulated in a government regulation.

Part Three

Dumping

Article 60

Everybody shall be prohibited from dumping waste and/or materials into environmental media without permit.

Article 61

- (1) The dumping as referred to in Article 60 may only be executed by license from the Minister, governors or regents/mayors by virtue of their authority.
- (2) The dumping as referred to in paragraph (1) may only be done in the stipulated locations.
- (3) Further provision on procedures and requirements for the dumping of waste or materials shall be regulated in a government regulation.

CHAPTER VIII

INFORMATION SYSTEM

Article 62

- (1) The government and regional governments shall develop environmental information system to support the implementation and development of environmental protection and management policies.
- (2) The environmental information system shall be prepared in an integrated and coordinative manner and shall be published to communities.
- (3) The environmental information system shall contain information about the environmental status, map of environmental vulnerability and other environmental information.
- (4) Further provision on the environmental information system shall be regulated by a regulation of the Minister.

CHAPTER IX.....

(To be continued)

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ENVIROMENTAL PROTECTION AND MANAGEMENT

(Law No. 32/ 2009, dated October 3,2009)

[Continued from Business News No. 7933-7934 pages 11A-27A]

CHAPTER IX

TASK AND AUTHORITY OF THE GOVERNMENT AND REGIONAL GOVERNMENTS

Article 63

**(1) In protecting and managing the environment,
the government shall be assigned and autho-
rized to:**

- a. stipulate national policies;**
- b. stipulate norms, standards, procedures and
criteria;**
- c. stipulate and implement national RPPLH policies;**

- d. stipulate and implement KLHS policies;**
- e. stipulate and implement amdal and UKL-UPL
policies;**
- f. inventory national natural resources and
green house gas;**
- g. develop cooperation standards;**
- h. coordinate and implement control over envi-
ronmental pollution and/or damage;**
- i. stipulate and implement policies on biological
and non-biological natural resources, biologi-
cal diversity, genetic resources and biologi-
cal safety of genetically engineered products;**

j. stipulate.....

- j. stipulate and implement policies on control over impacts of climate change and protection of ozone layer;
 - k. stipulate and implement policies on B3, waste as well as B3 waste;
 - l. stipulate and implement policies on maritime environment protection policies;
 - m. stipulate and implement policies protection and/or damage of inter-state border environment;
 - n. foster and supervise the implementation of national policies, regional regulations and regulations of heads of regions;
 - o. foster and supervise compliance of personnel in charge of businesses and/or activities to the provisions of environmental licensing and legislation;
 - p. develop and stipulate environmental instruments;
 - q. coordinate and facilitate cooperation and settlement of inter-regional disputes as well as settlement of disputes;
 - r. develop and implement policies on the management of public complaints;
 - s. stipulate minimum service standards;
 - t. stipulate policies on procedures for recognizing the existence of traditional communities, local wisdom, and rights of traditional communities with respects to environmental protection and management;
 - u. manage national environmental information;
 - v. coordinate, develop and socialize the utilization of environmentally sound technology;
 - w. provide education, training, fostering and apperciation;
 - x. develop facilities and standards of environmental laboratory;
 - y. issue environmental license;
 - z. stipulae ecoregion area; and
 - aa. enforce environmental law.
- (2) In protecting and managing the environment, provincial governments shall be assigned and authorized to:
- a. stipulate provincial policies;
 - b. stipulate and implement provincial KLHS;
 - c. stipulate and implement provincial RPPLH policies;
 - d. stipulate and implement amdal and UKL-UPL policies;
 - e. inventory natural resources and green house gas emission in the provincial level;
 - f. develop and implement cooperation and partnership;
 - g. coordinate and implement control over inter-regency/city environmental pollution and/or damage;
 - h. foster and supervise the implementation of regional policies, regulations and regulations of heads of regency/municipal governments;

- i. foster and supervise compliance of personnel in charge of businesses and/or activities to the provisions of environmental licensing and legislation;
 - j. develop and stipulate environmental instruments;
 - k. coordinate and facilitate cooperation and settlement of inter-regency/city disputes as well as settlement of disputes;
 - l. foster, provide technical assistance and supervise regencies/cities in the field of programs and activities;
 - m. implement minimum service standards;
 - n. stipulate policies on procedures for recognizing the existence of traditional communities, local wisdom, and rights of traditional communities with respects to environmental protection and management in the provincial level;
 - o. manage environmental information in the provincial level;
 - p. develop and socialize the utilization of environmentally sound technology;
 - q. provide education, training, fostering and appreciation;
 - r. issue environmental license in the provincial level; and
 - s. enforce environmental law in the provincial level.
- (3) In protecting and managing the environment, regency/municipal governments shall be assigned and authorized to:
- a. stipulate regency/municipal policies;
 - b. stipulate and implement regency/municipal KHS;
 - c. stipulate and implement regency/municipal RPPLH policies;
 - d. stipulate and implement amdal and UKL-UPL policies;
 - e. inventory natural resources and green house gas emission in the regency/municipal level;
 - f. develop and implement cooperation and partnership;
 - g. develop and apply environmental instruments;
 - h. facilitate the settlement of disputes;
 - i. foster and supervise compliance of personnel in charge of businesses and/or activities to the provisions of environmental licensing and legislation;
 - j. implement minimum service standards;
 - k. implement policies on procedures for recognizing the existence of traditional communities, local wisdom, and rights of traditional communities with respects to environmental protection and management in the regency/municipal level;
 - l. manage environmental information in the regency/municipal level;

- m. develop and socialize the utilization of environmentally sound technology;
- n. provide education, training, fostering and appreciation;
- o. issue environmental license in the regency/ municipal level; and
- p. enforce environmental law in the regency/ municipal level.

Article 64

The Minister shall implement and/or coordinate the tasks and authority of the government as referred to in Article 63 paragraph (1).

CHAPTER X

RIGHT, OBLIGATION AND PROHIBITION

Part One

Right

Article 65

- (1) Everybody shall be entitled to proper and healthy environment as part of human rights.
- (2) Everybody shall be entitled to environmental education, information access, participation access and justice access in fulfilling the right to proper and healthy environment.
- (3) Everybody shall reserve a right to submit recommendation and/or objection against businesses and/or activities predicted to affect the environment.

- (4) Everybody shall reserve a right to participate in the environmental protection and management in accordance with legislation.
- (5) Everybody shall reserve a right to report the alleged consequences of environmental pollution and/or damage.
- (6) Further provision on procedures for the reporting as referred to in paragraph (5) shall be governed by a regulation of the Minister.

Article 66

Everybody struggling for a right to proper and healthy environment may not be charged with criminal or civil offense.

Part Two

Obligation

Article 67

Everybody shall be obliged to preserve the environmental functions as well as control environmental pollution and/or damage.

Article 68

Everybody undertaking business and/or activity shall be obliged to:

- a. provide information related to environmental protection and management truthfully, transparently and punctually;
- b. preserve the sustainability of environmental functions; and

- c. abide by the provision on the quality standard of environment and/or standard criteria for environmental damage.

Part Three

Prohibition

Article 69

(1) Everybody shall be prohibited from:

- a. committing action causing environmental pollution and/or damage;
- b. importing B3 which is forbidden according to legislation into the territory of the Unitary State of the Republic of Indonesia;
- c. importing waste from outside the territory of the Unitary State of the Republic of Indonesia into environmental media of the Unitary State of the Republic of Indonesia;
- d. importing B3 waste into the territory of the Unitary State of the Republic of Indonesia;
- e. dumping waste into environmental media;
- f. dumping B3 and B3 waste into environmental media;
- g. releasing genetically engineered products into environmental media that contravene environmental legislation or license;
- h. opening land by means of burning;
- i. formulate amdal without having competence certificate of amdal formulator; and/or

- j. provide fake, misleading information, disappear information, destroy information or provide untrue information.

(2) The provision as referred to in paragraph (1) letter h shall take into account seriously local wisdom in the respective countries.

CHAPTER XI

PUBLIC PARTICIPATION

Article 70

(1) Communities shall have the equal and broad right and opportunity to participate actively in environmental protection and management.

(2) Public participation may be in the form of:

- a. social control;
- b. suggestion, opinion, recommendation, objection, complaint; and/or
- c. information and/or report.

(3) Public participation shall aim at:

- a. generating awareness in environmental protection and management
- b. enhancing independence, capability of communities and partnership;
- c. develop capability and pioneer of communities;
- d. develop emergency response of communities to social control ; and
- e. develop and preserve local culture and wisdom in the conservation of environmental functions.

CHAPTER XII

SUPERVISION AND ADMINISTRATIVE SANCTION

Part One

Supervision

Article 71

- (1) The Minister, governors or regents/mayors by virtue of their authority shall supervise the compliance of personnel in charge of businesses and/or activities to the provisions stipulated in environmental protection and management legislation.
- (2) The Minister, governors or regents/mayors may delegate the authority to conduct the supervision to technical functionaries/institutions in charge of environmental protection and management affairs.
- (3) In executing the supervision, the Minister, governors or regents/mayors shall stipulate environmental supervisors constituting functional officials.

Article 72

The Minister, governors or regents/mayors by virtue of their authority shall be obliged to supervise the compliance of personnel in charge of businesses and/or activities to environmental permit.

Article 73

The Minister may supervise the compliance of personnel in charge of businesses and/or activities

having environmental permit issued by regional governments if the government deems a serious violation in the field of environmental protection and management.

Article 74

- (1) The environmental supervisors as referred to in Article 71 paragraph (3) shall be authorized to:
- a. conduct monitoring;
 - b. ask information;
 - c. make copies of documents and/or necessary notes;
 - d. enter certain places;
 - e. take photograph;
 - f. make audio-visual records;
 - g. take samples;
 - h. check equipment;
 - i. inspect installations and/or transportation facilities; and/or
 - j. discontinue certain violations.
- (2) In executing their tasks, the environmental supervisors may coordinate with civil servant investigators.
- (3) Personnel in charge of businesses and/or activities shall be prohibited from preventing the execution of tasks of the environmental supervisors.

Article 75

Further provision on procedures for appointing

the environmental supervisors as well as technical directives for the supervision as referred to in Article 71 paragraph (3), Article 73, and Article 74 shall be governed in a government regulation.

Part Two

Administrative Sanction

Article 76

- (1) The Minister, governors or regents/mayor shall impose administrative sanctions on personnel in charge of businesses and/or activities in the case of environmental permit being violated.
- (2) The administrative sanctions shall consist of:
- a. written warning;
 - b. government coerciveness;
 - c. freezing of environmental permit; or
 - d. revocation of environmental permit.

Article 77

The Minister may apply administrative sanctions on personnel in charge of businesses and/or activities if the government deems that regional governments does not apply intentionally administrative sanctions on serious violation in the field of environmental protection and management.

Article 78

The administrative sanctions as referred to in Article 76 shall not discharge personnel in charge of businesses and/or activities from restoration and penal responsibility.

Article 79

The administrative sanction in the form of the freezing or revocation of environmental permit as referred to in Article 76 paragraph (2) letter c and letter d shall be imposed unless personnel in charge of businesses and/or activities implement the government's coerciveness.

Article 80

- (1) The government's coerciveness as referred to in Article 76 paragraph (2) letter b shall be in the form of:
- a. suspension of production activities;
 - b. removal of production facilities;
 - c. closure of waste-water or emission disposal tunnel;
 - d. breaking off;
 - e. confiscation of goods or equipment potential to cause violation;
 - f. suspension of the whole activities; or
 - g. other actions intended to discontinue violations and restoration of environmental functions.
- (2) The government's coerciveness may be imposed without prior warning in the case of the committed violation causing:
- a. extremely serious threat to humans and the environment;
 - b. greater and broader impact unless the pollution and/or destruction is terminated; and/or

c. greater,....

- c. greater loss on the environment unless the pollution and/or destruction is terminated promptly.

Article 81

Every personnel in charge of businesses and/or activities not implementing the government's coerciveness shall be liable to fine against the lateness in implementing coercive sanction imposed by the government.

Article 82

(1) The Minister, governors or regents/mayors shall be authorized to force personnel in charge of businesses and/or activities to restore the environment attributed to environmental pollution and/or destruction committed by the relevant.

(2) The Minister, governors or regents/mayors shall be authorized to appoint or may appoint the third party to restore the environment attributed to environmental pollution and/or destruction committed by personnel in charge of businesses and/or activities at the expense of the said personnel in charge of businesses and/or activities.

Article 83

Further provision on administrative sanctions shall be regulated in a government regulation.

CHAPTER XIII

SETTLEMENT OF ENVIRONMENTAL DISPUTE

Part One

General

Article 84

- (1) Every environmental dispute may be settled through the court or outside the court.
- (2) The mechanism of settlement of environmental dispute shall be chosen voluntarily by the parties in dispute.
- (3) Lawsuit through the court may only be done if the out-of-court settlement of dispute is declared unsuccessful by any of or the parties in dispute.

Part Two

Out-of-Court Settlement of Environmental Dispute

Article 85

- (1) Out-of-court settlement of environmental dispute shall be executed to achieve an agreement on:
 - a. model and amount of compensation;
 - b. restoration of consequences of pollution and/or destruction;
 - c. certain measures to assure that the pollution and/or destruction won't repeat; and/or
 - d. preventive measures of negative impact on the environment.

- (2) Out-of-court settlement shall not apply to the environmental crime as governed in this law.
- (3) Mediators and/or arbitrators may be hired to settle environmental dispute in out-of-court settlement of environmental dispute.

Article 86

- (1) Communities may establish independent and impartial institutes providing service for the settlement of environmental dispute.
- (2) The government and regional governments may facilitate the establishment of the independent and impartial institutes providing service for the settlement of environment dispute.
- (3) Further provision the institute providing service for the settlement of environmental dispute shall be governed by a government regulation.

Part Three

Settlement of Environmental Dispute through Court

Paragraph 1

Compensation for Loss and Environmental Restoration

Article 87

- (1) Every personnel in charge of businesses and/or activities committing legal violation in the form of environmental pollution and/or destruction incurring losses on other people or the environment shall be obliged to pay compensation for the losses and/or take certain measures.

- (2) Everybody transferring, changing the nature and model of business, and/or activity of a business entity violating the law shall not discharge legal responsibility and/or obligation of the business entity.
- (3) The court may stipulate the payment of coercive money for every day of lateness in the execution of the court decision.
- (4) The amount of coercive money shall be decided on the basis of legislation.

Paragraph 2

Strict Liability

Article 88

Everybody having action, business and/or activity using B3, producing and/or managing B3 waste and/or causing serious threat to the environment shall be responsible absolutely for the incurred losses without necessary to prove substance of mistake.

Paragraph 3

Expiration of Lawsuit Submission

Article 89

- (1) The expiration of lawsuit submission to the court shall follow the deadline as governed in the provisions of Civil Code and be counted as from the moment when the environmental pollution and/or damage is/are ascertained.

(2) The provision on the expiration shall not apply to environmental pollution and/or damage attributed to businesses and/or activities using and/or managing B3 as well as producing B3 waste.

Paragraph 4

Litigating Right Government and Regional Government

Article 90

- (1) Institutions of the government and regional governments in charge of environmental affairs shall be authorized to file litigation for compensation and certain measures against businesses and/or activities causing environmental pollution and/or damage inflicting environmental loss.
- (2) Further provision on the environmental loss as referred to in paragraph (1) shall be regulated by a regulation of the Minister.

Paragraph 5

Litigating Right of Communities

Article 91

- (1) Communities shall reserve a right to file class action for their own interest and/or public interest in the event that they suffer from losses attributable to environmental pollution and/or damage.

(2) Class action may be submitted in the case of representatives of groups and members of their groups sharing the same fact or incident, legal basis as well as kind of demand.

(3) Further provision on class action shall be implemented in accordance with legislation.

Paragraph 6

Litigating Right of Environmental Organization

Article 92

- (1) In the framework of executing responsibility for environmental protection and management, environmental organizations shall reserve a right to file lawsuit in the interest of environmental function conservation.
- (2) The right to file lawsuit shall be limited to the implementation of certain measures without demand for compensation, except the real cost or expenditure.
- (3) Environmental organizations may file lawsuit if the following requirements are fulfilled:
 - a. in the form of legal entity;
 - b. affirming in their memorandum of association that the organizations are established in the interest of environmental function conservation; and
 - c. already executing concrete activities in accordance with their memorandum of association for 2 (two) years at the minimum.

Paragraph 7

Administrative Lawsuit

Article 93

- (1) Everybody may file lawsuit against state-administration decision in the event that:**
- a. state administration agencies or officials issue environmental permit to businesses and/or activities obliged to undergo amdal but not accompanied by amdal documents;**
 - b. state administration agencies or officials issue environmental permit to activities obliged to undergo UKL-UPL but not accompanied by UKL-UPL documents; and/or**
 - c. state administration agencies or officials issue business and/or activity permit not accompanied by environmental permit.**
- (2) Procedures for filing lawsuit against the state administration decision shall refer to the State Administration Code.**

CHAPTER XIV

INVESTIGATION AND VERIFICATION

Part One

Investigation

Article 94

- (1) Besides investigators of the Police of the Republic of Indonesia, certain civil servant investigators within the government institution in charge of environmental protection and management affairs shall be authorized to act**

as the investigators as referred to in the Criminal Code to investigative environmental crime.

- (2) Civil servant investigators shall be authorized to:**
- a. examine the truth of reports or information related to crime in the field of environmental protection and management;**
 - b. interrogate everybody allegedly committing crime in the field of environmental protection and management;**
 - c. ask information and evidence from everybody with respects to incident of crime in the field of environmental protection and management;**
 - d. audit bookkeeping, records and other documents related to crime in the field of environmental protection and management;**
 - e. conduct inspection in certain places allegedly containing evidences, bookkeeping, records and other documents;**
 - f. seize materials and goods resulting from the violation, which may be used as evidence in criminal case in the field of environmental protection and management;**
 - g. seek assistance from specialists in the framework of executing task of investigation into crime in the field of environmental protection and management;**
 - h. discontinue investigation;**

- i. enter certain places, take photograph and/or make audio visual records;
- j. raid body, clothing, room and/or other places where crime is allegedly committed; and/or
- k. catch and detain criminals.

(3) In executing the catching and detention as referred to in paragraph (2) letter k, civil servant investigators shall cooperate with investigators of the Police of the Republic of Indonesia.

(4) In the case of civil servant investigators investigating, the civil servant investigators shall inform investigators of the Police of the Republic of Indonesia and the investigators of the Police of the Republic of Indonesia shall provide assistance for facilitating the investigation.

(5) Civil servant investigators shall notify the commencement of investigation to public prosecutors with a copy made available to investigators of the Police of the Republic of Indonesia.

(6) Results of investigation already completed by civil servant investigators shall be submitted to public prosecutors.

Article 95

(1) In the framework of law enforcement against environmental criminals, integrated law enforcement may be executed by civil servant investigators, police and prosecutors under coordination of the Minister.

(2) Further provision on the integrated law enforcement shall be regulated by legislation.

Part Two Verification Article 96

Legitimate evidences in lawsuit against environmental crime shall consist of:

- a. testimonies from witnesses;
- b. testimonies from specialists;
- c. letters;
- d. directives;
- e. information from defendant; and/or
- f. other evidences, including evidences regulated in legislation.

CHAPTER XV PENAL PROVISION

Article 97

Criminal act in this law shall constitute crime.

Article 98

(1) Anybody intentionally committing action causing standard quality of ambient air, water, sea water or standard criteria for environmental damage to be surpassed shall be subject to imprisonment for 3 (three) years the minimum and 10 (ten) years at the maximum and a fine amounting to Rp 3,000,000,000 (three billion rupiah) at the minimum and Rp10,000,000,000 (ten billion rupiah) at the maximum.

(2) In the case of the action as referred to in paragraph (1) wounding people and/or endangering human health, the said person shall be subject to imprisonment for 4 (four) years at the minimum and 12 (twelve) years at the maximum and a fine amounting to Rp4,000,000,000 (four billion rupiah) at the minimum and Rp12,000,000,000 (twelve billion rupiah) at the maximum.

(3) In the case of the action as referred to in paragraph (1) causing serious injury or death to people, the said person shall be subject to imprisonment for 5 (five) years at the minimum and 15 (fifteen) years at the maximum and a fine amounting to Rp5,000,000,000 (five billion rupiah) at the minimum and Rp15,000,000,000 (fifteen billion rupiah) at the maximum.

Article 99

(1) Anybody causing standard quality of ambient air, water, sea water or standard criteria for environmental damage to be surpassed because of his/her negligence shall be subject to imprisonment for one year the minimum and 3 (three) years at the maximum and a fine amounting to Rp 1,000,000,000 (one billion rupiah) at the minimum and Rp 3,000,000,000 (three billion rupiah) at the maximum.

(2) In the case of the action as referred to in paragraph (1) wounding people and/or endangering human health, the said person shall

be subject to imprisonment for 2 (two) years at the minimum and 6 (six) years at the maximum and a fine amounting to Rp2,000,000,000 (two billion rupiah) at the minimum and Rp6,000,000,000 (six billion rupiah) at the maximum.

(3) In the case of the action as referred to in paragraph (1) causing serious injury or death to people, the said person shall be subject to imprisonment for 3 (three) years at the minimum and 9 (nine) years at the maximum and a fine amounting to Rp 3,000,000,000 (three billion rupiah) at the minimum and Rp 9,000,000,000 (nine billion rupiah) at the maximum.

Article 100

(1) Anybody violating the quality standard of waste water, emission or nuisance shall be subject to imprisonment for 3 (three) years at the maximum and a fine amounting to Rp Rp3,000,000,000 (three billion rupiah) at the maximum.

(2) The penalty as referred to in paragraph (1) may only be imposed if the imposed administrative sanction is not obeyed or violation is committed more than once.

Article 101

Anybody releasing and/or distributing genetically engineered products to environmental

media that contravenes legislation or environmental permit as referred to in Article 69 paragraph (1) letter g, shall be subject to imprisonment for one year at the minimum and 3 (three) years at the maximum and a fine amounting to Rp1,000,000,000 (one billion rupiah) at the minimum and Rp3,000,000,000 (three billion) at the maximum.

Article 102

Anybody treating B3 waste without the permit as referred to in Article 59 paragraph (4), shall be subject to imprisonment for one year at the minimum and 3 (three) years at the maximum and a fine amounting to Rp1,000,000,000 (one billion rupiah) at the minimum and Rp3,000,000,000 (three billion) at the maximum.

Article 103

Anybody producing B3 waste and not conducting the treatment as referred to in Article 59, shall be subject to imprisonment for one year at the minimum and 3 (three) years at the maximum and a fine amounting to Rp1,000,000,000 (one billion rupiah) at the minimum and Rp3,000,000,000 (three billion) at the maximum.

Article 104

Anybody dumping waste and/or materials into environmental media with the permit as referred

to in Article 60, shall be subject to imprisonment for 3 (three) years at the maximum and a fine amounting to Rp3,000,000,000 (three billion) at the maximum.

Article 105

Anybody importing waste into the territory of the Republic of Indonesia as referred to in Article 69 paragraph (1) letter c shall be subject to imprisonment for 4 (four) years at the minimum and 12 (twelve) years at the maximum and a fine amounting to Rp4,000,000,000 (four billion rupiah) at the minimum and Rp12,000,000,000 (twelve billion rupiah) at the maximum.

Article 106

Anybody importing B3 waste into the territory of the Republic of Indonesia as referred to in Article 69 paragraph (1) letter d, shall be subject to imprisonment for 5 (five) years at the minimum and 15 (fifteen) years at the maximum and a fine amounting to Rp5,000,000,000 (five billion rupiah) at the minimum and Rp15,000,000,000 (fifteen billion rupiah) at the maximum.

Article 107

Anybody importing B3 which are forbidden by legislation into the territory of the Republic of Indonesia as referred to in Article 69 paragraph (1) letter b, shall be subject to imprisonment for 5 (five)

years at the minimum and 15 (fifteen) years at the maximum and a fine amounting to Rp5,000,000,000 (five billion rupiah) at the minimum and Rp15,000,000,000 (fifteen billion rupiah) at the maximum.

Article 108

Anybody committing the land burning as referred to in Article 69 paragraph (1) letter h, shall be subject to imprisonment for 3 (three) years at the minimum and 10 (ten) years at the maximum and a fine amounting to Rp 3,000,000,000 (three billion rupiah) at the minimum and Rp10,000,000,000 (ten billion rupiah) at the maximum.

Article 109

Anybody running business and/or activity without the environmental permit as referred to in Article 36 paragraph (1), shall be subject to imprisonment for one year at the minimum and 3 (three) years at the maximum and a fine amounting to Rp1,000,000,000 (one billion rupiah) at the minimum and Rp3,000,000,000 (three billion) at the maximum.

Article 110

Anybody formulating amdal without having certificate of competence of amdal formulator as referred to in Article 69 paragraph (1) letter i, shall be subject to imprisonment for 3

(three) years at the maximum and a fine amounting to Rp3,000,000,000 (three billion) at the maximum.

Article 111

(1) Officials issuing environmental permit that issue environmental permit without amdal or UKL-UPL as referred to in Article 37 paragraph (1) shall be subject to imprisonment for 3 (three) years at the maximum and a fine amounting to Rp3,000,000,000 (three billion) at the maximum.

(2) Officials issuing business and/or activity permit that issue business and/or activity permit without the environmental permit as referred to in Article 40 paragraph (1) shall be subject to imprisonment for 3 (three) years at the maximum and a fine amounting to Rp3,000,000,000 (three billion) at the maximum.

Article 112

Every authorized official not supervising intentionally the compliance of personnel in charge of businesses and/or activities to legislation and the environmental permit as referred to in Article 71 and Article 72, thus causing environmental pollution and/or damage that costs lives, shall be subject to imprisonment for one year at the maximum or a fine amounting to Rp500,000,000 (five hundred million rupiah) at the maximum.

Article 113

Anybody providing fake information, misleading information, disappearing information, damaging information or providing untrue information which is needed for the need of supervision and law enforcement with respects to environmental protection and management as referred to in Article 69 paragraph (1) letter j shall be subject to imprisonment for one year at the minimum and a fine amounting to Rp1,000,000,000 (one billion rupiah).

Article 114

Personnel in charge of businesses and/or activities not implementing the government's co-erciveness shall be subject to imprisonment for one year at the maximum and a fine amounting to Rp1,000,000,000 (one billion rupiah) at the maximum.

Article 115

Anybody intentionally preventing, impeding or aborting the execution of theasks of environmental supervisors and/or civil servant investigators shall be subject to imprisonment for one year at the maximum and a fine amounting to Rp 500,000,000 (five hundred million rupiah) at the maximum.

Article 116

(1) In the case of environmental crime being committed by, for and on behalf of a business entity,

the criminal offense and penalty shall be imposed on:

- a. the said business entity; and/or
- b. person ordering the crime or person acting as activity manager in the crime.

(2) In the case of the environmental crime as referred to in paragraph (1) being committed by a person acting the working scope of business entity on the basis of working relations or other relations, the penalty shall be imposed on the ordering party or leader in the crime without regarding whether the crime is committed individually or collectively.

Article 117

If criminal offense is filed to the ordering party or leader in the crime as referred to in Article 116 paragraph (1) letter b, the imposed penalty shall be in the form of imprisonment and fine weightened by one thirds.

Article 118

With regards to the crime as referred to in Article 116 paragraph (1) letter a, penalty shall be imposed on business entities represented by executives aithorized to represent the business entities inside and outside the court in accordance with legislation as functional executives.

Article 119

Besides the penalty as referred to in this law, the business entities shall be liable to additional penalty or disciplinary measures in the form of:

- a. seizure of profits earned from the crime;
- b. closure of business and/or activity place wholly or partly;
- c. improvement of impacts of the crime;
- d. requirement for working what is neglected without right; and/or
- e. placement of companies under custody for 3 (three) years at the maximum.

Article 120

- (1) In executing the provision as referred to in Article 119 letter a, letter b, letter c, and letter d, prosecutors shall coordinate with institution in charge of environmental protection and management affairs to implement execution.
- (2) In executing the provision as referred to in Article 119 letter e, the government shall be authorized to manage business entities subject to sanction of placement under custody to implement the legally fixed court verdict.

CHAPTER XVI**TRANSITIONAL PROVISION****Article 121**

- (1) In no later than 2 (two) years following the enforcement of this law, every business and/or

activity already having business and/or activity permit but not yet having amdal document shall be obliged to complete environmental audit.

- (2) In no later than 2 (two) years following the enforcement of this law, every business and/or activity already having business and/or activity permit but not yet having UKL-UPL shall be obliged to make environmental management document.

Article 122

- (1) In no later than one year following the enforcement of this law, every amdal formulator shall be obliged to have certificate of competence of amdal formulator.
- (2) In no later than one year following the enforcement of this law, every environmental auditor shall be obliged to have certificate of competence of environmental auditor.

Article 123

All permits in the field of environmental management already issued by the Minister, governors or regents/mayors by virtue of their authority shall be integrated into environmental permit in no later than one year following the stipulation of this law.

CHAPTER XVII**CONCLUSION****Article 124**

Following the enforcement of this law, all legislation that constitutes the implementing regulations of Law Number 23 Year 1997 on Environmental Management (Statute Book of the Republic of Indonesia Year 1997 Number 68, Supplement to Statute Book of the Republic of Indonesia Number 3699) shall be declared to remain effective in so far as they do not contravene or have not been replaced by the new ones on the basis of this law.

Article 125

With the enforcement of this law, Law Number 23 Year 1997 on Environmental Management (Statute Book of the Republic of Indonesia Year 1997 Number 68, Supplement to Statute Book of the Republic of Indonesia Number 3699) shall be shall be revoked and declared null and void.

Article 126

The implementing regulations mandated in this law shall be stipulated in no later than one year as from the date of enforcement of this law.

Article 127

This law shall come into force as from the date of promulgation.

For public cognizance, the law shall be published by placing it in Statute Book of the Republic of Indonesia.

Ratified in Jakarta

On October 3, 2009

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

sgd.

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

On October 3, 2009

THE MINISTER OF LAW AND HUMAN RIGHTS OF THE

REPUBLIC OF INDONESIA,

sgd

ANDI MATTALATTA

STATUTE BOOK OF THE REPUBLIC OF INDONESIA

YEAR 2009 NUMBER 140

ELUCIDATION**ON**

LAW OF THE REPUBLIC OF INDONESIA

NUMBER 32 YEAR 2009

ABOUT

ENVIRONMENTAL PROTECTION

AND MANAGEMENT

I. GENERAL

1. The Constitution of 1945 states that proper and healthy environment constitutes a human

right and constitutional right of every Indonesian citizen. In relations thereto, the state, government and all stakeholders are obliged to protect and manage the environment in the implementation of sustainable development so that Indonesia's environment can continue to become a source and support of life for Indonesian people as well as other creatures.

2. The Unitary State of the Republic of Indonesia is situated on a diagonal position between two continents and oceans with tropical climate and weather as well as season resulting a highly valuable natural condition. In addition, Indonesia also has the second longest coastal line in the world with a huge population. Indonesia has wealth of biological diversity and abundant natural resources. The wealth needs to be protected and managed in an environmental protection and management system which is integral and integrated between sea, land and air environment on the basis of the Archipelago Concept.

Indonesia is also situation on a position extremely vulnerable to impacts of climate change. The impacts include the decreasing food production, affected supply of water, outbreak of pests and plant diseases as well as human diseases, rising sea surface, drowning isles, and extinction of biological diversity. The availability of natural resources is not

equitable quantitatively and qualitatively while development activities need the rising natural resources. Development activities also contain risk of environmental pollution and damage. The condition may lower the carrying capability, support capability and productivity of the environment so as to become social burden I.

In relations thereto, Indonesia's environment must be protected and managed properly on the basis of the principles of state responsibility, sustainability, and justice. In addition, environmental management must be able to contribute economic, social and cultural benefits, which is executed on the basis of the principles of prudence, environmental democracy, decentralization, as well as recognition and appreciation of local and environmental wisdom.

Environmental protection and management demands the development of an integrated system in form of a national environmental protection and management policy which must be executed in accordance with the principles and consequently as from the central to region.

3. The use of natural resources must be in line, harmonious and balanced with the environmental functions. As a consequence, development plans and/or programs must

be inspired by the obligation to preserve the environment and realize goals of sustainable development.

This law requires the government and regional governments to make strategic environment assessment (KLHS) to ascertain that the principles of sustainable development have become a basis and been integrated into the development of a region and/or policies, plans and/or programs. In the other word, results of KLHS must be used as a basis for development policies, plans and/or programs of a region. In the case of results of KLHS certifying that the carrying capability and support capability have been surpassed, the development policies, plans and/or programs must be improved in accordance with recommendation of KLHS and all businesses and/or activities already surpassing the carrying capability and support capability are not permitted anymore.

4. Science and technology have enhanced the quality of life and change human lifestyle. The use of chemical-based products has increased the production of waste of hazardous and toxic materials. It demands the development of a safe disposal system with minimum risk on the environment, health, and sustainability of humans and other creatures.

Besides producing products beneficial to communities, industrialization also causes

impacts, such as the production of hazardous and toxic waste potential to threaten the environment, health and sustainability of humans and other creatures if they are dumped into the environmental media. Realizing it, hazardous and toxic materials along with the waste thereof need to be protected and managed properly. The territory of the Unitary State of the Republic of Indonesia must be free from the disposal of waste of hazardous and toxic materials from outside Indonesia.

Realizing the potential of negative impacts as consequences of development, early measures to control the impacts continues to be developed. Environmental impact analysis (amdal) is any of the preemptive instruments of environmental management, which must be strengthened continuously through the enhancement of accountability in the formulation of amdal by requiring the licensing for amdal appraisers and applying certification to formulators of amdal documents as well as clarifying legal saction against violators in the field of amdal.

Amdal also becomes one of the main requirements for securing environmental permit, which must be owned before the business license is obtained.

5. Preemptive measures in the framework of controlling environmental impacts need to be executed by utilizing maximally supervisory and licensing instruments. In the case of environmental pollution and damage already occurring, it's necessary to take repressive measures in the form of enforcing law effectively, consequently and consistently for the occurring environmental pollution and damage.

In relations thereto, it's necessary to develop a clear, firm and comprehensive environmental protection and management law system to assure legal certainty as a foundation for the protection and management of natural resources as well as other development activities.

This law also empower provisions of law, either administration law, civil law and criminal law. The provisions of civil law cover the settlement of environmental disputes outside and inside the court. The settlement of environmental disputes inside the court covers class actions, litigating right of environmental organizations or litigating right of the government. The method is expected to not only bring about curative effects but also generate awareness of all stakeholders with regards to the urgency of environmental protection and management for the life of the present and future generations.

6. The enforcement of criminal law in this law introduces minimum penalty, besides the maximum one, expansion of evidences, offense against violation of quality standard, integration of criminal law enforcement and regulation of corporate crime. The enforcement of environmental criminal law continues to observe the principle of ultimum remedium requiring the application of crime law as the last lender resort after the application of administration law is deemed unsuccessful. The application of the ultimum remedium principle only applies to certain formal crime, namely offense against violation of the quality standard of waste water, emission and nuisance.

7. The fundamental difference between Law Number 23 Year 1997 on Environmental Management and this law resides on the fortification contained in this law with regards to the principles of environmental protection and management based on good governance because the formulation and application of every instrument to prevent environmental pollution and/or damage and as well as mitigation and law enforcement require the integration of aspects of transparency, participation, accountability and justice.

8. In addition, this law also governs:

- a. totality of environmental management substances;

- b. clarity of central and regional authority;
- c. fortification of environmental controlling measures;
- d. fortification of instruments preventing environmental pollutions and/or damage, covering instruments of strategic environmental assessment, quality standard of the environment, standard criteria for environmental damage, amdal, environmental management and monitoring programs, licensing, economic instruments of the environment, environment-based legislation, environmental risk analysis, and other instruments in accordance with advancement of science and technology;
- e. empowerment of licensing as a controlling instrument;
- f. empowerment of ecosystem approach;
- g. certainty in responding and anticipating developments of global environment;
- h. fortification of environmental democracy through information access, participation access and justice access as well as fortification of rights of communities in the protection and management of environment;
- i. enforcement of civil law, administration law and criminal law more clearly;
- j. more effective and responsive fortification of environmental protection and management institutions; and
- k. fortification of authority of environmental supervisors and civil servant environmental investigators.

9. This law authorizes extensively the Minister to exercise the whole administration authority in the field of environmental protection and management as well as coordinate with other institutions. Through this law, the government also authorizes extensively regional governments to implement environmental protection and management in their respective regions, which is not regulated in Law No. 23/ 1997 on Environmental Management.

In relation thereto, the institution having work load on the basis of this law is not only sufficient one organization stipulating and coordinating the implementation of policies but an organization with portfolio stipulating, implementing, and supervising environmental protection and management policies is also needed. Apart from that, the institution is also expected to have a scope of authority to supervise natural resources in the interests of conservation. In order to assure that the basic tasks and functions of the institution can be executed, it needs adequate funding support from the state budget of revenue and expenditure for the government and adequate regional budget of revenue and expenditure for regional governments.

II. Article.....

(To be continued)

—==(R)==—

Business News 7936/3-29-2010

Business News



Business News

ENVIRONMENTAL PROTECTION AND MANAGEMENT

(Law No. 32/ 2009, dated October 3,2009)

[Continued from Business News No. 7936 pages 15A-36A]

II. ARTICLE BY ARTICLE

Article 1

Sufficiently clear

means environmental utilization must regard aspects, such as economic, social, cultural interests and protection as well as conservation of the ecosystem.

Article 2

Letter a

The principle of state responsibility means:

- a. the state assures that the utilization of natural resources would contribute optimal benefits to the people's welfare and the living standard of the people, either the present generation or future generation.
- b. the state assures the right of citizens to a proper and healthy environment.
- c. the state prevents the utilization of natural resources that causes environmental pollution and/or damage.

Letter d

The principle of integration means environmental protection and management are executed by integrating elements or synergizing related components.

Letter e

The principle of benefit means the whole executed development programs and/or activities are adjusted to potentials of natural resources and the environment for enhancing the people's welfare and human dignity in harmony with the environment thereof.

Letter b

The principle of conservation and sustainability means everybody bears obligation and responsibility for the future generation and their fellow generation by taking efforts to preserve the support capability of the ecosystem and improving the quality of the environment.

Letter f

The principle of prudence means uncertainty about impact of a business and/or activity due to limited mastery of science and technology is not a reason for delaying measures to minimize or avoid threat against environmental pollution and/or damage.

Letter c

The principle of harmony and equilibrium

Letter g

The principle of justice means environmental

management must reflect justice proportionally for every citizen, either inter-region, inter-generation or inter-gender.

Letter h

The principle of ecoregion means environmental protection and management must regard characteristics of local natural resources, ecosystem, socio culture and wisdom.

Letter i

The principle of biological diversity means environmental protection and management must observe integrated efforts to preserve the existence, diversity and sustainability of animal natural resources along with surrounding biological natural resources forming ecosystem totally.

Letter j

The principle polluter pays means every personnel in charge of business and/or activities polluting and/or damaging the environment is obliged to bear the cost of environmental restoration.

Letter k

The participatory principle means every community member is motivated to participate actively in decision making and implementing environmental protection and management directly and indirectly.

Letter l

The principle of local wisdom means noble values effective in social life of communities must

be observed in environmental protection and management.

Letter m

The principle of good governance means environmental protection and management are inspired by the principles of participation, transparency, accountability, efficiency and justice.

Letter n

The principle of regional autonomy means the government and regional governments rule and manage directly public administration affairs in the field of environmental protection and management by observing regional specialty and diversity in the context of the Unitary State of the Republic of Indonesia.

Article 3 up to Article 9

Sufficiently clear

Article 10

Paragraph (1)

Sufficiently clear

Paragraph (2)

Letter a up to Letter c

Sufficiently clear

Letter d

Local wisdom in this paragraph includes communal rights recognized by DPRD.

Letter e and Letter f

Sufficiently clear

Paragraph (3) up to Paragraph (5)

Sufficiently clear

Article 11 and Article 12

Sufficiently clear

Article 13

Paragraph (1)

Control over environmental pollution and/or damage covers, among others, control over:

- a. water, air and sea pollution; and**
- b. ecosystem damage and damage attributed to climate change.**

Paragraph (2) and Paragraph (3)

Sufficiently clear

Article 14

Sufficiently clear

Article 15

Paragraph (1)

Area means space constituting a geographic totality along with related elements whose borders and system are determined on the basis of administrative and/or functional aspects.

Paragraph (2)

Letter a

Sufficiently clear

Letter b

The environmental impacts and/or risks cover:

- a. climate change;**
- b. damage, degradation and/or extinction of biological diversity;**
- c. enhancement of intensity and coverage of disaster area of flooding, landslide, drought, and/or forest and land fire;**
- d. degradation of the quality and abundance of natural resources;**
- e. the rising trend of change in function of forest area and/or land;**
- f. the rise in the poor or threat against sustainability of livelihoods of a group of communities; and/or**
- g. rising risk of human health and safety.**

Paragraph (3)

Sufficiently clear

Article 16 and Article 17

Sufficiently clear

Article 18

Paragraph (1)

The communities are involved through dialogue, discussion and public consultation.

Paragraph (2)

Sufficiently clear

Article 19

Sufficiently clear

Article 20**Paragraph (1)****Sufficiently clear****Paragraph (2)****Letter a**

The quality standard of water means the limit or content of creature, substance, energy or component which exist or must exist and/or pollutants having content tolerable in water.

Letter b

The quality standard of waste water is the tolerable limit or content of pollutants which may be inserted into water media.

Letter c

The quality standard of sea water is the limit or content of creature, substance, energy or component which exist or must exist and/or pollutants having content tolerable in sea water.

Letter d

The quality standard of ambient air is the limit or content of creature, substance, energy or

component which exist or must exist and/or pollutants having content tolerable in ambient air.

Letter e

The quality standard of emission is the tolerable limit or content of pollutants which may be inserted into air media.

Letter f

The quality standard of nuisance is the tolerable limit of pollutants, such as vibration, noise and smelt.

Letter g**Sufficiently clear****Paragraph (3) up to Paragraph (5)****Sufficiently clear****Article 21.....****(To be continued)****—==(R)==—****Business News 7940/4-9-2010**

ENVIROMENTAL PROTECTION AND MANAGEMENT

(Law No. 32/ 2009, dated October 3,2009)

[Continued from Business News No. 7940 pages 33A-36A]

Article 21

Paragraph (1) dan Paragraph (2)

Sufficiently clear

Paragraph (4) and Paragraph (5)

Sufficiently clear

Paragraph (3)

Letter a

Biomass production means models of utilization of soil resources to produce biomass.

The quality standard of soil damage for biomass production is the tolerable limit of change in basic characteristics of soil in connection with biomass production.

The quality standard of soil damage for biomass production covers agriculture land or cultivation land and forest.

Letter b

The quality standard of coral reef damage is the tolerable limit of physical and/or biological change in coral reef.

Letter c

The environmental damage related to forest and/or land fire means the influence of change in environment, in the form of environmental damage and/or pollution related to forest and/or land fire attributed to a business and/or activity.

Letter d up to Letter h

Sufficiently clear

Article 22

Sufficiently clear

Article 23

Paragraph (1)

Letter a up to Letter e

Sufficiently clear

Letter f

Micro organism means products of genetically engineering.

Letter g up to Letter i

Sufficiently clear

Paragraph (2)

Sufficiently clear

Article 24

Sufficiently clear

Article 25

Letter a up to Letter e

Sufficiently clear

Letter f

The environmental management and monitoring plans are intended to avoid, minimize, mitigate and/or compensate impacts of a business and/or activity.

Article 26**Paragraph (1)**

Communities are involved in the announcement and public consultation in the framework of collecting recommendations and responses.

Paragraph (2) up to Paragraph (4)

Sufficiently clear

Article 27

The other parties are, among others, amdal formulating institutions or consultants.

Article 28 up to Article 35

Sufficiently clear

Article 36**Paragraph (1)**

Sufficiently clear

Paragraph (2)

UKL-UPL recommendations are judged by a technical team of the environmental institution.

Paragraph (3) and Paragraph (4)

Sufficiently clear

Article 37 dan Article 38

Sufficiently clear

Article 39**Paragraph (1)**

The announcement in this article constitutes the implementation of information transparency. The announcement enables participation of communities, particularly communities not yet using opportunities in raising objection, hearing and others in decision making process.

Paragraph (2)

Sufficiently clear

Article 40**Paragraph (1)**

The business license and/or activity license include license called in other names, such as operating license and construction license.

Paragraph (2)

Sufficiently clear

Paragraph (3)

The change in this paragraph is attributable to, among others, the change in ownership, technology, addition or reduction of production capacity and/or change in location of business and/or activity.

Article 41

Sufficiently clear

Article 42**Paragraph (1)**

Sufficiently clear

Paragraph (2)**Letter a**

Economic instrument in development planning means efforts to internalize environmental aspects into the planning and implementation of development and economic activities.

Letter b

Environmental funding is a system and mechanism of accumulation and management of funds used for financing environmental protection and management programs. The environmental funding results from sources, such as levies, grants and others.

Letter c

Incentive constitutes an effort to provide monetary and/or non-monetary impetus or attractiveness for everybody or government and regional government to undertake activities bringing about positive impact to reserves of natural resources and the quality of environmental function.

Disincentive constitutes the imposition of monetary and/or non-monetary burden or threat on everybody or the government and regional governments to reduce activities bringing about negative impact to reserves of natural resources and the quality of environmental function.

Article 43**Paragraph (1)****Letter a**

Balance of natural resources is a description of reserves of natural resource and change thereof, either in physical unit or monetary value.

Letter b

Gross Domestic Product means the value of the whole goods and services produced by a country in a specified period.

Gross Regional Domestic Product means the value of the whole goods and services produced by a region in a specified period.

Letter c

Mechanism of inter-regional environmental service compensation/exchange means compensation/exchange methods adopted by regional people, communities and/or governments as users of environmental service for providers of environmental services.

Letter d

Internalization of environment cost means the inclusion of costs of environmental pollution and/or damage into the calculation of production cost or cost of a business and/or activity.

Paragraph (2)**Letter a**

Guarantee funds of environmental restoration mean a certain amount of funds prepared

by a business and/or activity to restore the quality of damaging environment attributed to the activity.

Letter b

Mitigation funds mean a certain amount of funds used for mitigating environmental pollution and/or damage arising from a business and/or activity.

Letter c

Trustee/assistance funds mean funds resulting from sources of grants and donations in the interest of environmental conservation.

Paragraph (3)

Letter a

Procurement of environmentally sound goods and services means the procurement prioritizing to goods and services having environmentally sound label.

Letter b

Environmental tax means a levy imposed by the government and regional governments on everybody utilizing natural resources, such as underground-water intake tax, fuel tax and swallow nest tax.

Environmental levy means a levy imposed by regional governments on everybody utilizing facilities prepared by the regional governments, such as levy on waste water treatment.

Environmental subsidy means facility or reduction of burden imposed on everybody having impact which has impact on the improvement of environmental function.

Letter c

Environmentally sound financial system means a system of financial institution applying requirements for environmental protection and management in the financing policies and practices of bank and non-bank financial institution system.

Environmentally sound capital market means capital market applying requirements for environmental protection and management to companies listing shares at the capital market or listed companies, such as requirements for environmental audit for companies planning to sell their shares at the capital market.

Letter d

Trade in license to dispose waste and/or emission is the transaction of waste and/or emission quota which may be disposed into environmental media between personnel in charge of businesses and/or activities.

Letter e

Payment of environmental service means the payment/compensation granted by users of environmental service to providers of environmental service.

Letter f

Environmental insurance means insurance providing protection upon the occurrence of environmental pollution and/or damage.

Letter g

Environmental-sound label system means the granting of mark or label to environmentally sound products.

Letter h

Sufficiently clear

Paragraph (4)

Sufficiently clear

Article 44

Sufficiently clear

Article 45

Paragraph (1)

Sufficiently clear

Paragraph (2)

Criteria for environmental protection and management performance cover, among others performance to preserve conservation area and downgrade environmental pollution and/or damage.

Article 46

Sufficiently clear

Article 47

Paragraph (1)

Environmental risk analysis is a procedure, which is used for, among others, assessing the release and distribution of genetically engineered products and the clean up of B3 waste.

Paragraph (2)

Letter a

In this provision, risk analysis covers the whole processes, starting from identification of danger, estimation of consequence or impact, prediction of the unexpected impacts on both human security and health and environment.

Letter b

In this provision, risk management covers evaluation of risks or selection of risks requiring management, identification of choices of risk management, selection of management measures and implementation of the selected measures.

Letter c

Risk communications mean an interactive process of exchange of information and opinions between individuals, groups, and institutions with respects to risks.

Paragraph (3)

Sufficiently clear

Article 48

Sufficiently clear

Article 49

Paragraph (1)

Letter a

Certain highly risky businesses and/or activities are businesses and/or activities potential to cause serious impact on human health and environment if accident and/or emergency condition occur, such as petrochemical, oil and natural gas plant as well as nuclear power plant.

Environmental audit document contains:

- a. information covering goal and process of audit;**
- b. audit finding;**
- c. audit conclusion; and**
- d. supporting data and information.**

Letter b

Sufficiently clear

Paragraph dan Paragraph (3)

Sufficiently clear

Article 50 up to Article 53

Sufficiently clear

Article 54

Paragraph (1)

Sufficiently clear

Paragraph (2)

Letter a

Sufficiently clear

Letter b

Remediation is efforts to restore environmental pollution to improve the quality of environment.

Letter c

Rehabilitation is restoration efforts to return the value, function and benefit of the environment, including efforts to prevent land damage, provide protection and improve ecosystem.

Letter d

Restoration means efforts to enable the environment or parts thereof to resume the original function.

Letter e

Sufficiently clear

Paragraph (3)

Sufficiently clear

Article 55 dan Article 56

Sufficiently clear

Article 57

Paragraph (1)

Environmental preservation means efforts taken to preserve the functions of the environment and prevent human actions from downgrading the environment or environmental damage.

Letter a

Conservation of natural resources covers, among others, conservation of water resources, forest ecosystem, coastal and sea conservation, energy, peat land ecosystem and karst ecosystem.

Letter b

Reservation of natural resources covers natural resources which may be managed in a long term and a specified period in accordance with the need.

In order to execute the reservation of natural resources, the government, provincial governments or regental/municipal governments and individuals may build:

- a. biological diversity park outside forest area;**
- b. green open area (RTH) minimally accounting for 30% of the total size of island/archipelago; and/or**
- c. planting and preserving trees outside forest area, particularly rare plants.**

Letter c

Sufficiently clear

Paragraph (2)**Letter a**

Sufficiently clear

Letter b

Preservation of natural resources means efforts to preserve the totality and genuineness of natural resources along with ecosystem thereof.

Letter c

Sufficiently clear

Paragraph (3)

Sufficiently clear

Paragraph (4)**Letter a**

Mitigation of climate change is a series of activities which are taken to lower green house emission as a model of efforts to mitigate impacts of climate change.

Adaptation to climate change is an efforts which are taken to enhance adaptability to climate change, including climate diversity and extreme climate so as to reduce potential of damage attributed to climate change, utilize opportunities arising from climate change and overcome consequences arising from climate change.

Letter b and Letter c

Sufficiently clear

Paragraph (5)

Sufficiently clear

Article 58**Paragraph (1)**

The obligation to manage B3 constitutes efforts to reduce the possible risks on the environment, such as environmental pollution and/or damage, given that B3 is very potential to cause negative impacts.

Paragraph (2)**Sufficiently clear****Article 59****Paragraph (1)**

Management of B3 waste constitutes a series of activities covering the reduction, storage, collection, transportation, utilization and/or processing, including the hoarding of B3 waste.

Paragraph (2)**Sufficiently clear****Paragraph (3)**

Other parties mean business entities managing B3 waste and already securing license.

Paragraph (4) up to Paragraph (7)**Sufficiently clear****Article 60 dan Article 61****Sufficiently clear****Article 62****Paragraph (1)**

The environmental information system contains, among others, diversity of ecologic characters, distribution of population, distribution of natural resources and local wisdom.

Paragraph (2) up to Paragraph (4)**Sufficiently clear****Article 63 and Article 64****Sufficiently clear****Article 65****Paragraph (1)****Sufficiently clear****Paragraph (2)**

The right to environmental information constitutes a logic consequence of the right to participate in environment management on the basis of the principle of transparency. The right to environmental information will enhance the value and effectiveness of participation in environmental management, besides opening opportunities for communities to actualize their rights to a proper and healthy environment.

The environmental information as referred to in this paragraph may be in the form of data, information or other information related to environmental protection and management, which is opened for the public according to the characteristic and objectives thereof, such as environmental impact analysis documents, reports and documents of results of evaluation of environmental monitoring, either the monitoring of compliance or monitoring of change in the quality of environment and spatial plan.

Paragraph (3) up to Paragraph (6)**Sufficiently clear****Article 66**

The provision is intended to protect victims and/or the reporting parties adopting legal settlement for environmental pollution and/or damage.

The protection is intended to prevent act of revenge from the reported parties through criminal and/or civil offense by observing the independence of legal judicature.

Article 67 and Article 68
Sufficiently clear

Article 69
Paragraph (1)
Letter a
Sufficiently clear

Letter b
The prohibited B3 are, among others, DDT, PCBs, and dieldrin.

Letter c
The prohibition in this provision is in exception for the issues governed in legislation.

Letter d
The prohibited in this letter includes import.

Letter e up to Letter j
Sufficiently clear

Paragraph (2)
The local wisdom as referred to in this provision means the burning of land with the maximum size two hectares per head of family to be planted by plants belonging to local variety and surrounded by burning separator to prevent flame from spreading to surrounding area.

Article 70
Paragraph (1)
Sufficiently clear

Paragraph (2)
Letter a
Sufficiently clear

Letter b
The granting of recommendations and opinions in this provision includes in the formulation of KLHS and amdal.

Letter c
Sufficiently clear

Paragraph (3)
Sufficiently clear

Article 71 dan Article 72
Sufficiently clear

Article 73
Serious violation means legal violation causing serious environmental pollution and/or damage and triggering social unrest.

Article 74 up to Article 79
Sufficiently clear

Article 80
Paragraph (1)
Sufficiently clear

Paragraph (2)**Letter a**

The extremely serious threat means a condition potential to endanger safety and health of many people so that the settlement thereof may not be delayed.

Letter b and Letter c

Sufficiently clear

Article 81 up to Article 83

Sufficiently clear

Article 84**Paragraph (1)**

The provision in this paragraph is intended to protect civil rights of parties in dispute.

Paragraph (2)

Sufficiently clear

Paragraph (3)

The provision in this paragraph is intended to prevent the birth of different decisions about one environmental dispute in a bid to guarantee legal certainty.

Article 85 and Article 86

Sufficiently clear

Article 87**Paragraph (1)**

The provision in this paragraph constitutes

the realization of a principle in the environmental law, which is called the principle "polluter pays". Besides paying compensation, the environmental polluter and/or destroyer may also be charged by judge to undertake certain legal measures, such as order to:

a. install or improve waste treatment unit so that the waste meets the stipulated quality standard of the environment;

b. restore the environmental functions; and/or

c. eliminate or destroy causes of environmental pollution and/or destruction.

Paragraph (2)

Sufficiently clear

Paragraph (3)

The imposition of coercive money on every-day of lateness in the execution of court order to undertake certain measures is in the interest of environmental functions.

Paragraph (4)

Sufficiently clear

Article 88

Strict liability means plaintiff is not necessary to prove substance of mistake as a basis for paying compensation. The provision in this paragraph constitutes *lex specialis* in lawsuit against legal violation in general. Pursuant to this article, the amount of compensation which may be charged with environmental polluters or destroyers may be stipulated up to certain limit.

Up to certain limit means there is an obligation according to stipulation of legislation to provide insurance for the said business and/or activity or the environmental funds have been available.

Article 89

Sufficiently clear

Article 90

Paragraph (1)

Environmental loss is a loss arising from the pollution and/or damage of the environment which does not belong to private proprietary.

Certain measures constitute actions to prevent and mitigate pollution and/or damage as well as restore environmental functions in a bid to ensure that negative impacts on the environment won't occur or repeat.

Paragraph (2)

Sufficiently clear

Article 91 up to Article 93

Sufficiently clear

Article 94

Paragraph (1) dan Paragraph (2)

Sufficiently clear

Paragraph (3)

Coordination is an action of consultation to obtain personnel, facility and infrastructure assistance needed in the investigation.

Paragraph (4)

The notification in this article does not constitute notification about the commencement of investigation, but affirms the shape of coordination between civil servant investigators and investigators of the Indonesian Police.

Paragraph (5) dan Paragraph (6)

Sufficiently clear

Article 95

Sufficiently clear

Article 96

Letter a up to Letter e

Sufficiently clear

Letter f

Other evidences include information disclosed, sent, received or saved electronically, magnetically, optically and/or the similar, and/or data, records, or information which is readable, visible and can be heard that can be taken out with and/or without assistance of a facility, written down on paper, non-paper physical materials, or recorded electronically, not limited to writings, voice or picture, map, design, photo or the like, letter, sign, figure, symbol, or meaningful or understandable or readable perforation.

Article 97 up to Article 100

Sufficiently clear

Article 101

Releasing genetically engineered products means statement of recognition to a result of rejuvenation of genetically engineered products to become superior variety and may be disseminated after complying with the requirements on the basis of legislation.

Distributing genetically engineering products means every activity or a series of activities in the framework of the distribution of commodities being genetically engineered products to communities, for trading or not.

Article 102 up to Article 112

Sufficiently clear

Article 113

The fake information as meant in this article may be in the form of documents or verbal information not matching the actual facts or untrue information.

Article 114 up to Article 117

Sufficiently clear

Article 118

The functional executor as referred to in this article is business entity and legal entity.

Business News 7941-7942/4-14-2010

Criminal offense charged with executives of business entities and legal entities for crime committed by business entities or legal entities is functional crime so that the penalty is imposed and sanction is imposed on those having authority to the physical executor and receiving action of the physical executor.

Receiving action as meant in this article includes approving, letting or supervising inadequately actions of physical executors and/or having policies making the crime possible.

Article 119 up to Article 122

Sufficiently clear

Article 123

The license in this provision is, for example, license to manage B3 waste, license to dispose waste water into sea, and license to dispose waste water into water intake.

Article 124 up to Article 127

Sufficiently clear

**SUPPLEMENT TO STATUTE BOOK OF
THE REPUBLIC OF INDONESIA NUMBER 5059**

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Annex 585

L. Johnson, “Special Message to the Congress on Conservation and Restoration of Natural Beauty”, *The American Presidency Project*, 8 February 1965, as cited at paragraph 22 of the Expert Report of Professor Naomi Oreskes on Historical Knowledge and Awareness, in Government Circles, of the Effects of Fossil Fuel Combustion as the Cause of Climate Change, 29 January 2024 at page 91 of the Exhibit Bundle to the Written Statement submitted by the Republic of Vanuatu, 21 March 2024

The American Presidency Project

(<https://www.presidency.ucsb.edu/>)



LYNDON B. JOHNSON **(/PEOPLE/PRESIDENT/LYND** **ON-B-JOHNSON)**

Special Message to the Congress on Conservation and Restoration of Natural Beauty.

February 08, 1965

To the Congress of the United States:

For centuries Americans have drawn strength and inspiration from the beauty of our country. It would be a neglectful generation indeed, indifferent alike to the judgment of history and the command of principle, which failed to preserve and extend such a heritage for its descendants.

Yet the storm of modern change is threatening to blight and diminish in a few decades what has been cherished and protected for generations.

A growing population is swallowing up areas of natural beauty with its demands for living space, and is placing increased demand on our overburdened areas of recreation and pleasure.

The increasing tempo of urbanization and growth is already depriving many Americans of the right to live in decent surroundings. More of our people are crowding into cities and being cut off from nature. Cities themselves reach out into the countryside, destroying streams and trees and meadows as they go. A modern highway may wipe out the

equivalent of a fifty acre park with every mile. And people move out from the city to get closer to nature only to find that nature has moved farther from them.

The modern technology, which has added much to our lives can also have a darker side. Its uncontrolled waste products are menacing the world we live in, our enjoyment and our health. The air we breathe, our water, our soil and wildlife, are being blighted by the poisons and chemicals which are the by-products of technology and industry. The skeletons of discarded cars litter the countryside. The same society which receives the rewards of technology, must, as a cooperating whole, take responsibility for control.

To deal with these new problems will require a new conservation. We must not only protect the countryside and save it from destruction, we must restore what has been destroyed and salvage the beauty and charm of our cities. Our conservation must be not just the classic conservation of protection and development, but a creative conservation of restoration and innovation. Its concern is not with nature alone, but with the total relation between man and the world around him. Its object is not just man's welfare but the dignity of man's spirit.

In this conservation the protection and enhancement of man's opportunity to be in contact with beauty must play a major role.

This means that beauty must not be just a holiday treat, but a part of our daily life. It means not just easy physical access, but equal social access for rich and poor, Negro and white, city dweller and farmer.

Beauty is not an easy thing to measure. It does not show up in the gross national product, in a weekly pay check, or in profit and loss statements. But these things are not ends in themselves. They are a road to satisfaction and pleasure and the good life. Beauty makes its own direct contribution to these final ends. Therefore it is one of the most important components of our true national income, not to be left out simply because statisticians cannot calculate its worth.

And some things we do know. Association with beauty can enlarge man's imagination and revive his spirit. Ugliness can demean the people who live among it. What a citizen sees every day is his America. If it is attractive it adds to the quality of his life. If it is ugly it can degrade his existence.

Beauty has other immediate values. It adds to safety whether removing direct dangers to health or making highways less monotonous and dangerous. We also know that those who live in blighted and squalid conditions are more susceptible to anxieties and mental disease.

Ugliness is costly. It can be expensive to clean a soot smeared building, or to build new areas of recreation when the old landscape could have been preserved far more cheaply.

Certainly no one would hazard a national definition of beauty. But we do know that nature is nearly always beautiful. We do, for the most part, know what is ugly. And we can introduce, into all our planning, our programs, our building and our growth, a conscious and active concern for the values of beauty. If we do this then we can be successful in preserving a beautiful America.

There is much the federal government can do, through a range of specific programs, and as a force for public education. But a beautiful America will require the effort of government at every level, of business, and of private groups. Above all it will require the concern and action of individual citizens, alert to danger, determined to improve the quality of their surroundings, resisting blight, demanding and building beauty for themselves and their children.

I am hopeful that we can summon such a national effort. For we have not chosen to have an ugly America. We have been careless, and often neglectful. But now that the danger is clear and the hour is late this people can place themselves in the path of a tide of blight which is often irreversible and always destructive.

The Congress and the Executive branch have each produced conservation giants in the past. During the 88th Congress it was legislative executive teamwork that brought progress. It is this same kind of partnership that will ensure our continued progress.

In that spirit as a beginning and stimulus I make the following proposals:

THE CITIES Thomas Jefferson wrote that communities "should be planned with an eye to the effect made upon the human spirit by being continually surrounded with a maximum of beauty."

We have often sadly neglected this advice in the modern American city. Yet this is where most of our people live. It is where the character of our young is formed. It is where American civilization will be increasingly concentrated in years to come.

Such a challenge will not be met with a few more parks or playgrounds. It requires attention to the architecture of building, the structure of our roads, preservation of historical buildings and monuments, careful planning of new suburbs. A concern for the enhancement of beauty must infuse every aspect of the growth and development of metropolitan areas. It must be a principal responsibility of local government, supported by active and concerned citizens.

Federal assistance can be a valuable stimulus and help to such local efforts.

I have recommended a community extension program which will bring the resources of the university to focus on problems of the community just as they have long been concerned with our rural areas. Among other things, this program will help provide training and technical assistance to aid in making our communities more attractive and vital. In addition, under the Housing Act of 1964, grants will be made to States for training of local governmental employees needed for community development. I am recommending a 1965 supplemental appropriation to implement this program.

We now have two programs which can be of special help in creating areas of recreation and beauty for our metropolitan area population: the Open Space Land Program, and the Land and Water Conservation Fund.

I have already proposed full funding of the Land and Water Conservation Fund, and directed the Secretary of the Interior to give priority attention to serving the needs of our growing urban population.

The primary purpose of the Open Space Program has been to help acquire and assure open spaces in urban areas. I propose a series of new matching grants for improving the natural beauty of urban open space.

The Open Space Program should be adequately financed, and broadened by permitting grants to be made to help city governments acquire and clear areas to create small parks, squares, pedestrian malls and playgrounds.

In addition I will request authority in this program for a matching program to cities for landscaping, installation of outdoor lights and benches, creating attractive cityscapes along roads and in business areas, and for other beautification purposes.

Our city parks have not, in many cases, realized their full potential as sources of pleasure and play. I recommend on a matching basis a series of federal demonstration projects in city parks to use the best thought and action to show how the appearance of these parks can better serve the people of our towns and metropolitan areas.

All of these programs should be operated on the same matching formula to avoid unnecessary competition among programs and increase the possibility of cooperative effort. I will propose such a standard formula.

In a future message on the cities I will recommend other changes in our housing programs designed to strengthen the sense of community of which natural beauty is an important component.

In almost every part of the country citizens are rallying to save landmarks of beauty and history. The government must also do its share to assist these local efforts which have an important national purpose. We will encourage and support the National Trust for Historic Preservation in the United States, chartered by Congress in 1949- I shall propose legislation to authorize supplementary grants to help local authorities acquire, develop and manage private properties for such purposes.

The Registry of National Historic Landmarks is a fine federal program with virtually no federal cost. I commend its work and the new wave of interest it has evoked in historical preservation.

THE COUNTRYSIDE Our present system of parks, seashores and recreation areas--monuments to the dedication and labor of far-sighted men--do not meet the needs of a growing population.

The full funding of the Land and Water Conservation Fund will be an important step in making this a Parks-for-America decade.

I propose to use this fund to acquire lands needed to establish:

--Assateague Island National Seashore, Maryland-Virginia

Tocks Island National Recreation Area, New Jersey-Pennsylvania

Cape Lookout National Seashore, North Carolina

Sleeping Bear Dunes National Lakeshore, Michigan

Indiana Dunes National Lakeshore, Indiana

Oregon Dunes National Seashore, Oregon

Great Basin National Park, Nevada

Guadalupe Mountains National Park, Texas

Spruce Knob, Seneca Rocks National Recreation Area, West Virginia

Bighorn Canyon National Recreation Area, Montana-Wyoming

Flaming Gorge National Recreation, Utah-Wyoming

Whiskeytown-Shasta-Trinity National Recreation Area, California.

In addition, I have requested the Secretary of Interior, working with interested groups, to conduct a study on the desirability of establishing a Redwood National Park in California.

I will also recommend that we add prime outdoor recreation areas to our National Forest system, particularly in the populous East; and proceed on schedule with studies required to define and enlarge the Wilderness System established by the 88th Congress. We will also continue progress on our refuge system for migratory waterfowl.

Faulty strip and surface mining practices have left ugly scars which mar the beauty of the landscape in many of our States. I urge your strong support of the nationwide strip and surface mining study provided by the Appalachian Regional legislation, which will furnish the factual basis for a fair and reasonable approach to the correction of these past errors.

I am asking the Secretary of Agriculture to work with State and local organizations in developing a cooperative program for improving the beauty of the privately owned rural lands which comprise three-fourths of the Nation's area. Much can be done within existing Department of Agriculture programs without adding to cost.

The 28 million acres of land presently held and used by our Armed Services is an important part of our public estate. Many thousands of these acres will soon become surplus to military needs. Much of this land has great potential for outdoor recreation, wildlife, and conservation uses consistent with military requirements. This potential must be realized through the fullest application of multiple-use principles. To this end I have directed the Secretaries of Defense and Interior to conduct a "conservation inventory" of all surplus lands.

HIGHWAYS More than any country ours is an automobile society. For most Americans the automobile is a principal instrument of transportation, work, daily activity, recreation and pleasure. By making our roads highways to the enjoyment of nature and beauty we can greatly enrich the life of nearly all our people in city and countryside alike.

Our task is two-fold. First, to ensure that roads themselves are not destructive of nature and natural beauty. Second, to make our roads ways to recreation and pleasure.

I have asked the Secretary of Commerce to take a series of steps designed to meet this objective. This includes requiring landscaping on all federal interstate primary and urban highways, encouraging the construction of rest and recreation areas along highways, and the preservation of natural beauty adjacent to highway rights-of-way.

Our present highway law permits the use of up to 3% of all federal-aid funds to be used without matching for the preservation of natural beauty. This authority has not been used for the purpose intended by Congress. I will take steps, including recommended legislation if necessary, to make sure these funds are, in fact, used to enhance beauty along our highway system. This will dedicate substantial resources to this purpose.

I will also recommend that a portion of the funds now used for secondary roads be set aside in order to provide access to areas of rest and recreation and scenic beauty along our nation's roads, and for rerouting or construction of highways for scenic or parkway purposes.

The Recreation Advisory Council is now completing a study of the role which scenic roads and parkways should play in meeting our highway and recreation needs. After receiving the report, I will make appropriate recommendations.

The authority for the existing program of outdoor advertising control expires on June 30, 1965, and its provisions have not been effective in achieving the desired goal. Accordingly, I will recommend legislation to ensure effective control of billboards along our highways.

In addition, we need urgently to work towards the elimination or screening of unsightly, beauty-destroying junkyards and auto graveyards along our highways. To this end, I will also recommend necessary legislation to achieve effective control, including Federal assistance in appropriate cases where necessary.

I hope that, at all levels of government, our planners and builders will remember that highway beautification is more than a matter of planting trees or setting aside scenic areas. The roads themselves must reflect, in location and design, increased respect for the natural and social integrity and unity of the landscape and communities through which they pass.

RIVERS Those who first settled this continent found much to marvel at. Nothing was a greater source of wonder and amazement than the power and majesty of American rivers. They occupy a central place in myth and legend, folklore and literature.

They were our first highways, and some remain among the most important. We have had to control their ravages, harness their power, and use their water to help make whole regions prosper.

Yet even this seemingly indestructible natural resource is in danger.

Through our pollution control programs we can do much to restore our rivers. We will continue to conserve the water and power for tomorrow's needs with well-planned reservoirs and power dams. But the time has also come to identify and preserve free flowing stretches of our great scenic rivers before growth and development make the beauty of the unspoiled waterway a memory.

To this end I will shortly send to the Congress a Bill to establish a National Wild Rivers System.

THE POTOMAC The river rich in history and memory which flows by our nation's capital should serve as a model of scenic and recreation values for the entire country. To meet this objective I am asking the Secretary of the Interior to review the Potomac River basin development plan now

under review by the Chief of Army Engineers, and to work with the affected States and local governments, the District of Columbia and interested federal agencies to prepare a program for my consideration.

A program must be devised which will:

- a. Clean up the river and keep it clean, so it can be used for boating, swimming and fishing.
- b. Protect its natural beauties by the acquisition of scenic easements, zoning or other measures.
- c. Provide adequate recreational facilities, and
- d. Complete the presently authorized George Washington Memorial Parkway on both banks.

I hope action here will stimulate and inspire similar efforts by States and local governments on other urban rivers and waterfronts, such as the Hudson in New York. They are potentially the greatest single source of pleasure for those who live in most of our metropolitan areas.

TRAILS The forgotten outdoorsmen of today are those who like to walk, hike, ride horseback or bicycle. For them we must have trails as well as highways. Nor should motor vehicles be permitted to tyrannize the more leisurely human traffic.

Old and young alike can participate. Our doctors recommend and encourage such activity for fitness and fun.

I am requesting, therefore, that the Secretary of the Interior work with his colleagues in the federal government and with state and local leaders and recommend to me a cooperative program to encourage a national system of trails, building up the more than hundred thousand miles of trails in our National Forests and Parks.

There are many new and exciting trail projects underway across the land. In Arizona, a county has arranged for miles of irrigation canal banks to be used by riders and hikers. In Illinois, an abandoned railroad right of way is being developed as a "Prairie Path." In New Mexico utility rights of way are used as public trails.

As with so much of our quest for beauty and quality, each community has opportunities for action. We can and should have an abundance of trails for walking, cycling and horseback riding, in and close to our cities. In the back country we need to copy the great Appalachian Trail in all parts of America, and to make full use of rights of way and other public paths.

POLLUTION One aspect of the advance of civilization is the evolution of responsibility for disposal of waste. Over many generations society gradually developed techniques for this purpose. State and local governments, landlords and private citizens have been held responsible for ensuring that sewage and garbage did not menace health or contaminate the environment.

In the last few decades entire new categories of waste have come to plague and menace the American scene. These are the technological wastes--the by-products of growth, industry, agriculture, and science. We cannot wait for slow evolution over generations to deal with them.

Pollution is growing at a rapid rate. Some pollutants are known to be harmful to health, while the effect of others is uncertain and unknown. In some cases we can control pollution with a larger effort. For other forms of pollution we still do not have effective means of control.

Pollution destroys beauty and menaces health. It cuts down on efficiency, reduces property values and raises taxes.

The longer we wait to act, the greater the dangers and the larger the problem.

Large-scale pollution of air and waterways is no respecter of political boundaries, and its effects extend far beyond those who cause it.

Air pollution is no longer confined to isolated places. This generation has altered the composition of the atmosphere on a global scale through radioactive materials and a steady increase in carbon dioxide from the burning of fossil fuels. Entire regional airsheds, crop plant environments, and river basins are heavy with noxious materials. Motor vehicles and home heating plants, municipal dumps and factories continually hurl pollutants into the air we breathe. Each day almost 50,000 tons of unpleasant, and sometimes poisonous, sulfur dioxide are added to the atmosphere, and our automobiles produce almost 300,000 tons of other pollutants.

In Donora, Pennsylvania in 1948, and New York City in 1953 serious illness and some deaths were produced by sharp increases in air pollution. In New Orleans, epidemic outbreaks of asthmatic attacks are associated with air pollutants. Three-fourths of the eight million people in the Los Angeles area are annoyed by severe eye irritation much of the year. And our health authorities are increasingly concerned with the damaging effects of the continual breathing of polluted air by all our people in every city in the country.

In addition to its health effects, air pollution creates filth and gloom and depreciates property values of entire neighborhoods. The White House itself is being dirtied with soot from polluted air.

Every major river system is now polluted. Waterways that were once sources of pleasure and beauty and recreation are forbidden to human contact and objectionable to sight and smell. Furthermore, this pollution is costly, requiring expensive treatment for drinking water and inhibiting the operation and growth of industry.

In spite of the efforts and many accomplishments of the past, water pollution is spreading. And new kinds of problems are being added to the old:

--Waterborne viruses, particularly hepatitis, are replacing typhoid fever as a significant health hazard.

--Mass deaths of fish have occurred in rivers over-burdened with wastes.

--Some of our rivers contain chemicals which, in concentrated form, produce abnormalities in animals.

--Last summer 2,600 square miles of Lake Erie--over a quarter of the entire Lake--were almost without oxygen and unable to support life because of algae and plant growths, fed by pollution from cities and farms.

In many older cities storm drains and sanitary sewers are interconnected. As a result, mixtures of storm water and sanitary waste overflow during rains and discharge directly into streams, bypassing treatment works and causing heavy pollution.

In addition to our air and water we must, each and every day, dispose of a half billion pounds of solid waste. These wastes--from discarded cans to discarded automobiles--litter our country, harbor vermin, and menace our health. Inefficient and improper methods of disposal increase pollution of our air and streams.

Almost all these wastes and pollutions are the result of activities carried on for the benefit of man. A prime national goal must be an environment that is pleasing to the senses and healthy to live in.

Our Government is already doing much in this field. We have made significant progress. But more must be done.

Federal Government Activity

I am directing the heads of all agencies to improve measures to abate pollution caused by direct agency operation, contracts and cooperative agreements. Federal procurement practices must make sure that the Government equipment uses the most effective techniques for controlling pollution. The Administrator of General Services has already taken steps to assure that motor vehicles purchased by the Federal Government meet minimum standards of exhaust quality.

Clean Water

Enforcement authority must be strengthened to provide positive controls over the discharge of pollutants into our interstate or navigable waters. I recommend enactment of legislation to:

--Provide, through the setting of effective water quality standards, combined with a swift and effective enforcement procedure, a national program to prevent water pollution at its source rather than attempting to cure pollution after it occurs.

--Increase project grant ceilings and provide additional incentives for multi-municipal projects under the waste treatment facilities construction program.

--Increase the ceilings for grants to State water pollution control programs.

--Provide a new research, and demonstration construction program leading to the solution of problems caused by the mixing of storm water runoff and sanitary wastes.

The Secretary of Health, Education, and Welfare will undertake an intensive program to dean up the Nation's most polluted rivers. With the cooperation of States and cities--using the tools of regulation, grant and incentives--we can bring the most serious problem of river pollution under control. We cannot afford to do less.

We will work with Canada to develop a pollution control program for the Great Lakes and other border waters.

Through an expanded program carried on by the Departments of Health, Education, and Welfare and Interior, we will continue to seek effective and economical methods for controlling pollution from acid mine drainage.

To improve the quality of our waters will require the fullest cooperation of our State and local governments. Working together, we can and will preserve and increase one of our most valuable national resources--clean water.

Clean Air

The enactment of the Clean Air Act in December of 1963 represented a long step forward in our ability to understand and control the difficult problem of air pollution. The 1966 Budget request of 24 million dollars is almost double the amount spent on air pollution programs in the year prior to its enactment.

In addition, the Clean Air Act should be improved to permit the Secretary of Health, Education, and Welfare to investigate potential air pollution problems before pollution happens, rather than having to wait until the damage occurs, as is now the case, and to make recommendations leading to the prevention of such pollution.

One of the principal unchecked sources of air pollution is the automobile. I intend to institute discussions with industry officials and other interested groups leading to an effective elimination or substantial reduction of pollution from liquid fueled motor vehicles.

Solid Wastes

Continuing technological progress and improvement in methods of manufacture, packaging and marketing of consumer products has resulted in an ever mounting increase of discarded material. We need to seek better solutions to the disposal of these wastes. I recommend legislation to:

--Assist the States in developing comprehensive programs for some forms of solid waste disposal.

--Provide for research and demonstration projects leading to more effective methods for disposing of or salvaging solid wastes.

--Launch a concentrated attack on the accumulation of junk cars by increasing research in the Department of the Interior leading to use of metal from scrap cars where promising leads already exist.

Pesticides

Pesticides may affect living organisms wherever they occur.

In order that we may better understand the effects of these compounds, I have included increased funds in the budget for use by the Secretaries of Agriculture, Interior, and Health, Education, and Welfare to increase their research efforts on pesticides so they can give special attention to the flow of pesticides through the environment; study the means by which pesticides break down and disappear in nature; and to keep a constant check on the level of pesticides in our water, air, soil and food supply.

I am recommending additional funds for the Secretary of Agriculture to reduce contamination from toxic chemicals through intensified research, regulatory control, and educational programs.

The Secretary of Agriculture will soon submit legislation to tighten control over the manufacture and use of agricultural chemicals, including licensing and factory inspection of manufacturers, clearly placing the burden of proof of safety on the proponent of the chemical rather than on the Government. Research Resources

Our needs for new knowledge and increasing application of existing knowledge demand a greater supply of trained manpower and research resources.

A National Center for Environmental Health Sciences is being planned as a focal point for health research in this field. In addition, the 1966 budget includes funds for the establishment of university institutes to conduct research and training in environmental pollution problems.

Legislation recommended in my message on health has been introduced to increase Federal support for specialized research facilities of a national or regional character. This proposal, aimed at health research needs generally, would assist in the solution of environmental health problems and I urge its passage.

We need legislation to provide to the Departments of Agriculture and the Interior authority for grants for research in environmental pollution control in their areas of responsibility. I have asked the Secretary of Interior to submit legislation to eliminate the ceiling on pesticide research.

Other Efforts

In addition to these needed actions, other proposals are undergoing active study.

I have directed the Chairman of the Council of Economic Advisers, with the appropriate departments, to study the use of economic incentives as a technique to stimulate pollution prevention and abatement, and to recommend actions or legislation, if needed.

I have instructed the Director of the Bureau of the Budget and the Director of the Office of Science and Technology to explore the adequacy of the present organization of pollution control and research activities.

I have also asked the Director of the Office of Science and Technology and the Director of the Bureau of the Budget to recommend the best way in which the Federal government may direct efforts toward advancing our scientific understanding of natural plant and animal communities and their interaction with man and his activities.

The actions and proposals recommended in this message will take us a long way toward immediate reversal of the increase of pollutants in our environment. They will also give us time until new basic knowledge and trained manpower provide opportunities for more dramatic gains in the future.

WHITE HOUSE CONFERENCE I intend to call a White House Conference on Natural Beauty to meet in mid-May of this year. Its chairman will be Mr. Laurance Rockefeller.

It is my hope that this Conference will produce new ideas and approaches for enhancing the beauty of America. Its scope will not be restricted to federal action. It will look for ways to help and encourage state and local governments, institutions and private citizens, in their own efforts. It can serve as a focal point for the large campaign of public education which is needed to alert Americans to the danger to their natural heritage and to the need for action.

In addition to other subjects which this Conference will consider, I recommend the following subjects for discussion in depth:

--Automobile junkyards. I am convinced that analysis of the technology and economics can help produce a creative solution to this vexing problem. The Bureau of Mines of the Interior Department can contribute technical advice to the conference, as can the scrap industry and the steel industry.

--Underground installation of utility transmission lines. Further research is badly needed to enable us to cope with this problem.

--The greatest single force that shapes the American landscape is private economic development. Our taxation policies should not penalize or discourage conservation and the preservation of beauty.

--Ways in which the Federal Government can, through information and technical assistance, help communities and states in their own programs of natural beauty.

--The possibilities of a national tree planting program carried on by government at every level, and private groups and citizens.

CONCLUSION In my thirty-three years of public life I have seen the American system move to conserve the natural and human resources of our land.

TVA transformed an entire region that was "depressed." The rural electrification cooperatives brought electricity to lighten the burdens of rural America. We have seen the forests replanted by the CCC's, and

watched Gifford Pinchot's sustained yield concept take hold on forestlands.

It is true that we have often been careless with our natural bounty. At times we have paid a heavy price for this neglect. But once our people were aroused to the danger, we have acted to preserve our resources for the enrichment of our country and the enjoyment of future generations.

The beauty of our land is a natural resource. Its preservation is linked to the inner prosperity of the human spirit.

The tradition of our past is equal to today's threat to that beauty. Our land will be attractive tomorrow only if we organize for action and rebuild and reclaim the beauty we inherited. Our stewardship will be judged by the foresight with which we carry out these programs. We must rescue our cities and countryside from blight with the same purpose and vigor with which, in other areas, we moved to save the forests and the soil.

LYNDON B. JOHNSON

The White House

February 8, 1965

Note: Plans for a White House Conference on Natural Beauty to be held May 24-25 in Washington were announced by the President on March 12 following a meeting with Laurance S. Rockefeller, Conference Chairman. In a White House release of that date the President stated that the a-day conference would concentrate on "concrete, immediate means for the preservation of natural beauty, through Federal, State, local, and private action."

"It is my hope and expectation," the President said, "that this Conference will help stimulate and guide a truly national effort--at every level of American life--to ensure that all our people can find their lives enriched by the beauty of the world they live in."

The release noted that Mrs. Johnson would open the Conference and that the President would make the closing address (see Item 277)- More than 800 conferees from private and public life would discuss "a wide range of topics concerning the effort to protect and extend the natural beauty of America." These topics, listed in the release, would be considered by panels composed of citizens, technical experts, representatives of industry and labor, and Government officials. Their recommendations would be presented to the President at the final session of the Conference.

Later, on May 7, the President announced the names of the chairmen of the 15 panels that would make up the Conference, and on May 18, the names of the 116 persons who had been invited to participate as panelists.

For statements or remarks upon signing related legislation, see Items 521, 543, 568, 576.

Lyndon B. Johnson, Special Message to the Congress on Conservation and Restoration of Natural Beauty. Online by Gerhard Peters and John T. Woolley, The American Presidency Project
<https://www.presidency.ucsb.edu/node/241332>

Annex 586

Declaration of the World Climate Conference, World Meteorological Organization,
IOC/SAB-IV/INF.3, February 1979

WORLD METEOROLOGICAL ORGANIZATION

DECLARATION
OF THE
WORLD CLIMATE CONFERENCE



THE DECLARATION OF THE WORLD CLIMATE CONFERENCE

The World Climate Conference, a conference of experts on climate and mankind, held in Geneva, from 12 to 23 February 1979, was sponsored by the World Meteorological Organization in collaboration with other international bodies.

The specialists from many disciplines assembled for the Conference expressed their views concerning climatic variability and change and the implications for the world community. On the basis of their deliberations, they adopted the following.

An Appeal to Nations

Having regard to the all-pervading influence of climate on human society and on many fields of human activity and endeavour, the Conference finds that it is now urgently necessary for the nations of the world:

- (a) to take full advantage of man's present knowledge of climate;
- (b) to take steps to improve significantly that knowledge;
- (c) to foresee and to prevent potential man-made changes in climate that might be adverse to the well-being of humanity.

The problem

The global climate has varied slowly over past millennia, centuries and decades and will vary in the future. Mankind takes advantage of favourable climate, but is also vulnerable to changes and variations of climate and to the occurrence of extreme events such as droughts and floods. Food, water, energy, shelter, and health are all aspects of human life that depend critically on climate. Recent grain harvest failures and the serious decline in some fisheries emphasize this vulnerability. Even normal variations and modest changes relative to the normal climate have a significant influence upon man's activities.

All countries are vulnerable to climatic variations, and developing countries, especially those in arid, semi-arid, or high rainfall regions, are particularly so. On the other hand, unfavourable impacts may be mitigated and positive benefits may be gained from use of available climate knowledge.

The climates of the countries of the world are interdependent. For this reason, and in view of the increasing demand for resources by the growing world population that strives for improved living conditions, there is an urgent need for the development of a common global strategy for a greater understanding and a rational use of climate.

Man today inadvertently modifies climate on a local scale and to a limited extent on a regional scale. There is serious concern that the continued expansion of man's activities on earth may cause significant extended regional and even global

changes of climate. This possibility adds further urgency to the need for global co-operation to explore the possible future course of global climate and to take this new understanding into account in planning for the future development of human society.

Climate and the future

Climate will continue to vary and to change due to natural causes. The slow cooling trend in parts of the northern hemisphere during the last few decades is similar to others of natural origin in the past, and thus whether it will continue or not is unknown.

Research is revealing many basic features of climatic changes of the past and is providing the basis for projections of future climate. The causes of climate variations are becoming better understood, but uncertainty exists about many of them and their relative importance.

Nevertheless, we can say with some confidence that the burning of fossil fuels, deforestation, and changes of land use have increased the amount of carbon dioxide in the atmosphere by about 15 per cent during the last century and it is at present increasing by about 0.4 per cent per year. It is likely that an increase will continue in the future. Carbon dioxide plays a fundamental role in determining the temperature of the earth's atmosphere, and it appears plausible that an increased amount of carbon dioxide in the atmosphere can contribute to a gradual warming of the lower atmosphere, especially at high latitudes. Patterns of change would be likely to affect the distribution of temperature, rainfall and other meteorological parameters, but the details of the changes are still poorly understood.

It is possible that some effects on a regional and global scale may be detectable before the end of this century and become significant before the middle of the next century. This time scale is similar to that required to redirect, if necessary, the operation of many aspects of the world economy, including agriculture and the production of energy. Since changes in climate may prove to be beneficial in some parts of the world and adverse in others, significant social and technological readjustments may be required.

Increasing energy use and thus release of heat have already caused local climatic changes. In the future such heat sources from densely populated and heavily industrialized regions could possibly have some effects on climate on a larger scale. Other human activities such as agriculture, pastoral practices, deforestation, increased use of nitrogen fertilizers and release of chlorofluoromethanes might have climatic consequences and therefore require careful study. Also, a systematic search for still other possible effects on climate of major human efforts is needed.

Some forms of warfare have local climatic effects. World thermonuclear conflict, besides its catastrophic consequences for mankind, would degrade the natural environment and might cause climatic changes on a large scale.

It is conceivable that in the future man may be able to produce limited changes in climate on a large scale by deliberate intervention. It would be

irresponsible to consider such actions until we have acquired the essential understanding of the mechanisms governing climate that is needed to predict the consequences. Moreover, international agreement must be reached before such projects are implemented.

Conclusions and Recommendations

The World Climate Programme proposed by the World Meteorological Organization deserves the strongest support of all nations

Its main thrusts are:

- Research into the mechanisms of climate in order to clarify the relative roles of natural and anthropogenic influences. This will require the further development of mathematical models which are the tools for simulating, and assessing the predictability of, the climate system. They will also be used to investigate the sensitivity of climate to possible natural and man-made stimuli such as the release of carbon dioxide and to estimate the climatic response.
- Improving the acquisition and availability of climatic data. The success of the climate programme depends on the development of a vast amount of meteorological, hydrological, oceanographic and other pertinent geophysical data. Furthermore, climatic impact studies and practical application of knowledge of climate by nations in addition requires detailed information about their natural resources and socio-economic structures.
- Application of knowledge of climate in planning, development and management. This effort should include programmes to assist national meteorological and hydrological services to increase the awareness of users of the potential benefits to be gained through the use of climate information, to improve capabilities to provide and disseminate this information, and to facilitate training in nationally significant climate applications. It should include programmes to develop new methodologies for the application of climate data in the food, water, energy and health sectors.
- Study of the impacts of climatic variability and change on human activities and the translation of the findings of such studies in terms of greatest use to governments and the people. This will require improvements in our understanding of the relationships between climate and human society including:
 - (i) The possible range of societal adjustments to climate variations and change;
 - (ii) The characteristics of human societies at different stages of development and in different environments that make them especially vulnerable or resilient in the face of climate variability and change;
 - (iii) The means by which human societies can protect against adverse consequences of, and take advantage of the opportunities presented by, climate variations and changes.

The overall purposes of the Programme are thus to provide the means to foresee possible future changes of climate and to aid nations in the application of climatic data and knowledge to the planning and management of all aspects of man's activities. This will require an inter-disciplinary effort of unprecedented scope at the national and international levels.

The conduct of the World Climate Programme involves a broad range of activities and requires leadership and co-ordination among international bodies and close collaboration among nations

It is fully recognized that the international co-operation which is the prerequisite for any world climate programme can only be successfully pursued under conditions of peace.

There is an immediate need for nations to utilize existing knowledge of climate and climatic variations in the planning for social and economic development

In some parts of the world, there is already sufficient information to provide many applied climate services. However, only a start has been made; data and expertise are generally lacking in developing countries. Programmes must be set up to assist them to participate fully in the World Climate Programme through training and the transfer of appropriate methodologies.

* * *

The long-term survival of mankind depends on achieving a harmony between society and nature. The climate is but one characteristic of our natural environment that needs to be wisely utilized. All elements of the environment interact, both locally and remotely. Degradation of the environment in any national or geographical area must be a major concern of society because it may influence climate elsewhere. The nations of the world must work together to preserve the fertility of the soils; to avoid misuse of the world's water resources, forests and rangelands; to arrest desertification; and to lessen pollution of the atmosphere and the oceans. These actions by nations will require great determination and adequate material resources, and they will be meaningful only in a world at peace.

Annex 587

Exchange of letters between Lee DuBridge and Senator Henry Jackson, National Archives and Records Administration-Office of Science and Technology, 1969, as referred to at paragraph 29 in the Expert Report of Professor Naomi Oreskes on Historical Knowledge and Awareness, in Government Circles, of the Effects of Fossil Fuel Combustion as the Cause of Climate Change, 29 January 2024 at page 91 of the Exhibit Bundle to the Written Statement submitted by the Republic of Vanuatu, 21 March 2024

The original records were obtained from the Repository of the National Archives at College Park, Maryland in the Records of the Office of Science and Technology Policy (*see* <https://www.archives.gov/college-park> (last accessed on 11 July 2024)). The National Archives at College Park can be contacted for assistance by phone (at +1-866-272-6272) or email (at inquire@nara.gov)

March 25, 1969

CONGRESSIONAL

Jackson

Dear Senator Jackson:

The effect referred to by Mr. Watson in his letter is the "greenhouse effect" due to concentrations of carbon-dioxide in the atmosphere. It is known that high concentrations of CO₂ in the atmosphere will tend to admit and retain heat radiation from the sun in such a way as to warm the climate. It is also true that beginning with ^{the} main part of the industrial revolution we have been steadily increasing the proportion of carbon-dioxide in the atmosphere. During the years since 1900 the amounts have been especially noticeable and future projections indicate a continuing upward trend. Furthermore, there is little doubt that the automobile contributes a very significant fraction of this carbon-dioxide.

What effect this increased carbon-dioxide is having and will have on our atmosphere and our climate is by no means so clear. At the same time we have been experiencing an increase in carbon-dioxide in the atmosphere there has been a considerable growth of dust and particulate matter at our levels of altitude in the world atmosphere. The source of a good deal of this dust is from China and India due to changes of agricultural practice and perhaps connected with some of the droughts of recent years. The effect of the dust in the atmosphere particularly at the higher altitudes, is to increase the reflectivity of that upper portion of the atmosphere so that a fraction of the heat does not even reach the earth's surface much less be retained there. As you can see these two changes in our atmosphere have generally opposite effects. Experts are not in agreement at the moment as to the future expectations of these changes. We have had, however, increased carbon-dioxide for long enough to get an idea of what that effect is. The most recent evidence from study of past climates is that comparison of the 1830 to 1860 period with the period 1920 to 1940 shows that there indeed was a warming trend in this country for that period. The form that this seemed to take was a displacement of weather patterns northward such that the northern portion of our country was significantly warmer in this later time than it was in the mid-nineteenth century. The substantial increase in dust and

2.

particulate matter came somewhat later and it appears that these concentrations became significant only in the 1930s and 1940s and subsequently. Again the study of climate shows that we may be cooling somewhat from the warmest period 1920 to 1940. Current detailed studies in Wisconsin show that the climate patterns 1940 to 1960 are similar to those of the mid-nineteenth century.* The inference has been made that the CO₂ effect was dominant from about 1890 to 1940 at which time the dust in the atmosphere became more influential. Thus we had at first a warming period and then a cooling period. There should be some caution in making cause and effect statements, even on the basis of this data, because longer term studies of climate show that we have had fluctuations back at least to the twelfth century in the climates of Europe for which such convenient explanations are not readily available.

I do not imply by any of this that the problem is not of considerable importance. We are indeed filling the atmosphere with a great many gases and in very large quantities from our automobiles, from industry, and from the burning of fossil fuels. At the same time we could do something about the dust and particulate matter contributed to the atmosphere if it were sufficiently important to do so. We are, in a word, performing a gigantic experiment on ourselves. It seems to me of great importance that we know the meaning of this experiment and its possible outcomes before discovering them too late and perhaps to our sorrow.

Very truly yours,

Lee A. DuBridge

Lee A. DuBridge
Science Adviser

Honorable Henry M. Jackson
United States Senate
Washington, D. C. 20510

cc: DuBridge file and chron
OST file and chron
JSteinhart file
JSteinhart:ld chron

S&T Control No. 328

Studebaker/White House

Mr. Barlow

* A recent study of the climate problem may be found in a paper by E. W. Wahl entitled "Comparison of the Climate of the Eastern United States during the 1830s with the Current Levels" in Monthly Weather Review, Volume 96, Number II, page 73 to 82.

HENRY M. JACKSON, WASH., CHAIRMAN

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March 18, 1969

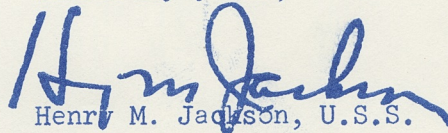
Dr. Lee A. Dubridge
Science Advisor to the President
Executive Office Building
Washington, D. C.

Dear Sir:

The enclosed is respectfully submitted to you
for every proper consideration.

Please provide me with a report in duplicate,
and return the enclosure to me with your response.

Sincerely yours,


Henry M. Jackson, U.S.S.

HMJ:sg
enc.

AIR MAIL



MAR 8 1969

Please return to
SENATOR HENRY M. JACKSON

Devin & Watson, Incorporated | Consultants in Printed Communications

March 6, 1969

Honorable Henry M. Jackson, Senator
Senate Office Building
Washington, D. C.

Dear Senator Jackson,

On a recent edition of the Merv Griffin TV show, one of America's premier looks, Allen Ginsberg, made an "appearance."

Like most Americans, I hope, I am usually repelled at the currently popular show biz habit of exhibiting deranged people for the amusement of the crowds. It is a sick, sick form of entertainment, not far removed from the earlier days when the public was admitted to asylums on Sundays to tease the inmates.

In this case my inclination to turn him off was delayed by a most remarkable charge he made. What he said, if there is even a modicum of fact attached to it, bears investigation. His accusation went something like this:

A man who was one of the President's science advisers (whether advisor to Johnson or Nixon he did not say) has recently said that at the current rate of air pollution brought about by the proliferation of automobiles and "their excrement", within twenty years there would be a permanent cloud of polluted atmosphere surrounding the earth. This cloud would be such that the heat of the sun would penetrate it to the earth but it would not allow the heat to escape back to space. The result would be a rapid buildup of heat on the earth which would melt the polar ice caps, causing a flooding of the greater part of the globe and thus exterminate life.

No one on the show challenged this remarkable statement, either as to its practical possibility or its reputed source.

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CONF. NO. _____

I would very much appreciate your efforts to throw light on this and recommend that a public statement by responsible public officials be made in refutation -- if it is refutable. After all, quite a few million people watch this show, people of widely varying degrees of intelligence, and the possibility of this sort of charge -- even from an Allen Ginsberg -- being accepted even in part, is dangerous.

I further suggest that the Griffin show put a responsible person on, as soon as possible, to tell those same millions of listeners the facts. If the truth turns out to be different from Ginsberg's charge, I suggest that the Griffin people owe an abject (yes abject) apology to the public. There is no excuse for irresponsibility on the part of people who have the ear of millions of people -- any more than there is an excuse for irresponsibility on the part of any government official.

Harry M. Watson

Harry M. Watson
2614 N.E. Ballinger Way
Seattle, Washington 98155

HMW/eq

YND TECHNOLOGY
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RECEIVED

Annex 588

“Railways: Use of Continuous Welded Rail”, *House of Lords Debate*, 5 November 1969, as cited at paragraph 23 in the Expert Report of Professor Naomi Oreskes on Historical Knowledge and Awareness, in Government Circles, of the Effects of Fossil Fuel Combustion as the Cause of Climate Change, 29 January 2024 at page 91 of the Exhibit Bundle to the Written Statement submitted by the Republic of Vanuatu,
21 March 2024

RAILWAYS: USE OF CONTINUOUS WELDED RAIL

HL Deb 05 November 1969 vol 305 cc335-9

2.36 p.m.

LORD NUGENT OF GUILDFORD My Lords, I beg leave to ask the Question which stands in my name on the Order Paper.

[The Question was as follows:

To ask Her Majesty's Government whether they will make a statement concerning British Railways policy with regard to laying down long welded rail, and what special safety measures are being taken in that connection.]

THE PARLIAMENTARY UNDER-SECRETARY OF STATE FOR DEFENCE, R.A.F. (LORD WINTERBOTTOM) My Lords, the British Railways Board, whose responsibility this is, have informed my right honourable friend the Minister of Transport that they intend to extend the mileage of continuous welded rail as quickly as possible. There are several reasons for their adoption of this policy. It will lead to an increased life for the track components and reduced maintenance costs: it will lead to a smoother ride for the rail vehicles using the track and for the passengers in them; most importantly, there will be a greatly reduced risk of broken rails, and such breaks as do occur will be likely to be less dangerous.

The Board say that since 1960, when the laying of continuous welded rail was started, the Code of Practice they have been using has been regarded as satisfactory. But the unusual weather conditions and the high occurrence of track distortions in continuous welded rail in the recent summer have shown that the margins already provided must be increased to ensure the stability of continuous welded track. Your Lordships may be interested to learn that the distortions in jointed track in 1969 have also been greatly above average. The special measures the Board have now put in hand to increase the margins of resistance to heat distortion in continuous welded track take the form of increased ballast provision and of the re-adjustment of the continuous rails themselves to a higher stressfree temperature condition than has hitherto been deemed necessary. This work should be completed before the onset of the hot weather of 1970.

LORD NUGENT OF GUILDFORD My Lords, I thank the noble Lord for his full Answer to my Question. May I ask him whether he is aware that, in the light of recent accidents, there is a good deal of anxiety about the safety of the continuous welded rail, despite its obvious advantages? There are two questions that I do not think the noble Lord completely answered in his full reply, which I should like to study. The first is whether the continuous welded rail is out of the experimental stage; and secondly, whether experience in this country and elsewhere has been sufficient to establish all the facts needed for satisfactory laying down and maintenance. If the answer to the second question is "Yes", why are we still having trouble? If the answer is "No", can the noble Lord tell us what action, other than what he has now told us, is being taken to establish maintenance satisfactorily?

LORD WINTERBOTTOM My Lords, first of all, we are in close contact with other nations using continuous welded rail. There is a constant interchange of information between ourselves and other countries using this system. If I may be completely frank with the noble Lord, I think the problem is that it is well beyond the experimental stage. In the beginning of this process from 1960 there were no accidents, but it is considered that it is possible, although by no means certain, that as continuous welded rail becomes a commonplace perhaps the standards to which this track is laid are not as closely rigid as was the case in the early stages of laying continuous welded track. In my Answer your Lordships will have noted that the Code of Practice is being surveyed and tightened up to ensure that the admittedly rising number of accidents in continuous welded rail do not in fact continue. The result of the inquiry into the accident at Somerton may show that the abnormally good weather conditions this summer caused the accident.

LORD NUGENT OF GUILDFORD My Lords, may I ask the noble Lord one further question? Is he aware that his reference to the abnormally good weather conditions of this summer and the higher temperatures, is rather disturbing? Is he further aware that in other countries in Europe and America, where far higher temperatures obtain, a great deal of experience must have been gained, with wider ranges of temperature difference between summer and winter? And is the noble Lord aware that there is a rather uncomfortable feeling that there has not been quite the sufficiency of care given to this innovation that there ought to have been?

LORD WINTERBOTTOM My Lords, the noble Lord may think it worth while to debate the report on the accidents that have taken place which will appear early in the new year.

BARONESS WOOTTON OF ABINGER My Lords, my noble friend has said that welding will increase the life of the rail. Can he give us an assurance that it will not diminish the life of the passengers?

VISCOUNT ST. DAVIDS My Lords, can my noble friend say whether he and British Railways have taken account of the fact that what were abnormal temperatures last summer may not be abnormal if we continue to discharge carbon dioxide into the air by the burning of various fossil carbons, so increasing the greenhouse effect?

THE MARQUESS OF ABERDEEN AND TEMAIR My Lords, is it possible that welded rails can be satisfactorily used for very complicated crossovers, such as exist outside London Bridge?

LORD WINTERBOTTOM My Lords, that is a technical question which I am afraid I am not able to answer. This may come out in the inquiry.

EARL FERRERS My Lords, can the noble Lord clear up one point? In one of his replies to my noble friend he said, I think, that the standards used now are not so accurate as the standards used in 1960. Did the noble Lord mean that the standards used now are different, or that the implementation of the standards is not as precise as it was?

LORD WINTERBOTTOM My Lords, it is just possible that familiarity may be breeding some contempt, if I may put it this way, and it is for this reason that the Railways Board are re-examining the codes of procedure relating to the laying of this track.

BARONESS WOOTTON OF ABINGER My Lords, my noble friend did not answer my question, apparently on the ground that it was thought to be frivolous. It was not frivolous, and I would ask: can he give us an assurance that the welded rail is not shortening the lives of the passengers?

LORD WINTERBOTTOM My Lords, if I may say so, that is a very different question.

LORD BELSTEAD My Lords, the noble Lord has given us a wealth of information but, arising out of the question of the noble Baroness, Lady Wootton, can he tell us where the experiments on which a great many of his statements are based are taking place?

LORD WINTERBOTTOM My Lords, I shall have to write to the noble Lord on that point.

LORD KILMANY My Lords, will the noble Lord take into consideration the anxiety of other Members of this House, and will he not make it possible for the whole House to be aware of this interesting information when he has ascertained it?

LORD WINTERBOTTOM My Lords, may I repeat what I said? The accidents that took place this summer are at present the subject of a study, and a report will be issued early in the new year. Without doubt, it will be a very detailed report. May I suggest to noble Lords that its publication may provide an opportunity to discuss the implications of the accidents that are taking place.

THE LORD BISHOP OF EXETER My Lords, may I ask the noble Lord whether this report will also cover the accident at Somerton in Somerset?

LORD WINTERBOTTOM Yes, my Lords, that is correct; it will.

Annex 589

German Bundestag, Plenary Protocol 8/126 of the 126 Session, 15 December 1978,
pages 9873-9874 (German original of pages 9873-9874 and English translation of
Annex 12)

[. . .]

Annex 12

Answer by Parliamentary State Secretary Zander to the oral questions by **Dr Linde** (SPD) (printed matter 8/2365 questions A 61 and 62): What importance does the Federal Government attach to climate research from a medical point of view and from the point of view of the work of climatic health resorts, and what knowledge does the Federal Government have of the effects of climate change on the human organism? Is the Federal Government prepared to advocate that the multi-annual research programme of the European Communities in the field of climatology (printed matter 8/2271) should also include the effects of climate on humans in addition to the interactions between “humans and climate”, so that more reliable findings can be made available for the work of medicine in general and climatotherapy in particular?

Regarding question A 61:

The Federal Government attaches great importance to climate research, both from a medical point of view and from the point of view of the work of climatic health resorts. The climate of health resorts is a supportive therapeutic factor for certain ailments.

The German Medical Meteorological Research Centre of the German Meteorological Service in Freiburg is currently investigating the effects of weather and climate on humans. The main areas of investigation here include nervous complaints in amputees, the development of a climate atlas model with the possibility of bioclimatic evaluation of landscape areas, and individual advice on relocation for health or other reasons.

The findings of the German Weather Service are published on an ongoing basis in the reports of the German Weather Service and also in individual specialist journals and books.

Regarding question A 62:

The EC's climate research programme focuses, among other things, on the possible influence of carbon dioxide concentrations in the earth's atmosphere on the heat balance of the earth's surface and the significance of the release of energies into the atmosphere, as well

as the assessment of the possible effects of climate fluctuations on vegetation, for example. Climate-therapeutic topics are not addressed.

Research into the human influence on the climate is also accorded crucial importance outside the EC. At its 8th Congress in May 1979, the World Meteorological Organisation (WMO) will present a World Climate Programme on which numerous international associations are working.

Within the framework of the EC programme, studies on the impact of the climate on mankind would represent a considerable extension, and would also have an objective which differs greatly from the main thrust of the programme.

It therefore does not seem appropriate to extend the EC programme at this stage to the area you mentioned.

[. . .]

Deutscher Bundestag

Stenographischer Bericht

126. Sitzung

Bonn, Freitag, den 15. Dezember 1978

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- (A) Die Bundesregierung beabsichtigt, um dieser Entwicklung zu entsprechen, ab 1980 auch die angehenden Studenten der Medizin und der Pharmazie unmittelbar nach dem Abitur wieder zum Grundwehrdienst einzuberufen. Für den Bereich der Zahnmedizin steht der Zeitpunkt noch nicht fest; insoweit muß die — derzeit noch etwas ungünstigere — Entwicklung von Bedarf und Aufkommen abgewartet werden.

Anlage 11

Antwort

des Parl. Staatssekretärs Dr. von Bülow auf die Mündliche Frage des Abgeordneten **Engelsberger** (CDU/CSU) (Drucksache 8/2365 Frage A 56):

Hat der Konteradmiral Hans-Hermann Vohs — wie in der Zeitung „Die Welt“ vom 25. November 1978 gemeldet — in der November-Ausgabe der Zeitschrift „Marineforum“ vor der „unzureichenden Fähigkeit der Allianz“ gewarnt, politisch und militärisch auf die wachsende Macht der Sowjetflotte zu reagieren, da „nach der Herstellung des nuklearen Patts“ die „östliche Supermacht“ sich anschicke, „den Westen auch maritim herauszufordern“, und wenn ja, teilt die Bundesregierung diesen Standpunkt und ist sie entschlossen, gemeinsam mit den Nato-Partnern verstärkte Anstrengungen zur Aufrechterhaltung einer wirksamen Abschreckung zu unternehmen?

Ich darf zunächst einmal feststellen, daß Konteradmiral Vohs in seinem Artikel in der Zeitschrift „Marineforum“ seine persönliche Meinung vertreten hat.

- (B) Die maritime Expansion der Sowjetunion ist seit rund 15 Jahren zu beobachten und hält unvermindert an. In einem kurzen Zeitraum hat die Sowjetunion als Führungsmacht des Warschauer Paktes sich von einer fast ausschließlich kontinental orientierten Landmacht zu einer weltweit handlungsfähigen und einflußreichen Seemacht entwickelt.

Diese Entwicklung erstreckt sich nicht nur auf die Marinestreitkräfte, sondern sie schließt auch die Staatshandelsflotte, die Fischerei- und Forschungsflotte ein. Sie kommt allerdings bei den vier Flotten der sowjetischen Kriegsmarine am augenfälligsten zur Geltung. Die sowjetische Kriegsmarine gilt heute als die stärkste nach der Marine der USA.

Die Verteidigungsminister der westlichen Allianz haben im Mai 1977 in Brüssel u. a. festgestellt, daß die Sowjetunion heute in der Lage sei, ihre Seemacht weltweit zur Geltung zu bringen ... Als Folge dieser Entwicklung ständen der Sowjetunion im Frieden wie im Krieg neue Möglichkeiten offen.

Die NATO-Staaten haben aus dieser gemeinsamen Lagebeurteilung bereits Konsequenzen gezogen.

Im Mai dieses Jahres haben die Staats- und Regierungschefs der Allianz das „langfristige Verteidigungsprogramm“ der NATO verabschiedet. Hinsichtlich der Position der NATO zur See ist folgendes festgestellt worden, ich darf wörtlich zitieren:

Durch die Programme sollen kritische qualitative Mängel bei den vorhandenen und geplanten Einheiten der Seestreitkräfte mit besonderem Schwerpunkt auf Führung, Befehls- und Fernmeldewesen, Luftverteidigung von Marineeinheiten, verbesserte Fähigkeit zur Bekämpfung von Unterseebooten sowie verbesserte Überwasser- und Minenkriegsführung behoben werden. Es wurde festgestellt, daß der Fehlbestand an Schiffen, Unterseebooten und Flugzeugen den schwerwiegendsten Mangel darstellt, und daß im Rahmen der NATO-Planungsverfahren Lösungen hierfür gefunden werden sollten.

Anlage 12

Antwort

des Parl. Staatssekretärs Zander auf die Mündlichen Fragen des Abgeordneten **Dr. Linde** (SPD) (Drucksache 8/2365 Fragen A 61 und 62):

Welche Bedeutung mißt die Bundesregierung der Klimaforschung aus medizinischer Sicht und aus der Sicht der Arbeit der heilklimatischen Kurorte zu, und welche Erkenntnisse bestehen im Zuständigkeitsbereich der Bundesregierung über die Wirkungen von Klima auf den menschlichen Organismus?

Ist die Bundesregierung bereit, sich dafür einzusetzen, daß in das mehrjährige Forschungsprogramm der Europäischen Gemeinschaften auf dem Gebiet der Klimatologie (Drucksache 8/2271) über die Interaktionen „Menschen — Klima“ hinaus auch die Wirkung des Klimas auf den Menschen einbezogen wird, damit der Medizin allgemein und besonders der Klimatherapie gesicherte Erkenntnisse für die Arbeit zur Verfügung gestellt werden können?

Zu Frage A 61:

Sowohl aus medizinischer Sicht als auch aus der Sicht der Arbeit der heilklimatischen Kurorte mißt die Bundesregierung der Klimaforschung große Bedeutung zu. Das Klima der Heilkurorte ist ein unterstützender therapeutischer Faktor bei bestimmten Leiden.

Die Deutsche medizin-meteorologische Forschungsstelle des Deutschen Wetterdienstes in Freiburg untersucht z. Z. die Einwirkungen von Wetter und Klima auf den Menschen. Untersuchungsschwerpunkte hierbei sind u. a. die nervlichen Beschwerden bei Amputierten, die Modellentwicklung eines Klima-Atlas mit der Möglichkeit der bioklimatischen Bewertung von Landschaftsräumen, die individuelle Beratung bei Ortswechsel aus gesundheitlichen oder sonstigen Gründen.

Die Erkenntnisse des Deutschen Wetterdienstes werden laufend in den Berichten des Deutschen Wetterdienstes und auch in einzelnen Fachzeitschriften und Fachbüchern veröffentlicht.

Zu Frage A 62:

Schwerpunkte des Klimaforschungsprogramms der EG sind u. a. der mögliche Einfluß von Kohlendioxidkonzentration in der Erdatmosphäre auf den Wärmehaushalt der Erdoberfläche und die Bedeutung der Freisetzung der Energien in die Atmosphäre sowie ferner die Bewertung der möglichen

- (A) Auswirkungen der Klimaschwankungen etwa auf die Vegetation. Klimatherapeutische Themen sind nicht angesprochen.

Der Erforschung des menschlichen Einflusses auf das Klima wird auch außerhalb der EG entscheidende Bedeutung zugemessen. Die Weltorganisation für Meteorologie (WMO) wird auf ihrem 8. Kongreß im Mai 1979 ein Weltklima-Programm vorlegen, an dem zahlreiche internationale Vereinigungen arbeiten.

Im Rahmen des EG-Programms würden Untersuchungen über die Einwirkung des Klimas auf den Menschen eine wesentliche Ausweitung bedeuten, auch hätten diese ein Ziel, das von der Haupttrichtung des Programms stark abweicht.

Es erscheint deshalb nicht zweckmäßig, das EG-Programm im jetzigen Stadium auf den von Ihnen erwähnten Bereich auszudehnen.

Anlage 13

Antwort

des Parl. Staatssekretärs Zander auf die Mündliche Frage des Abgeordneten **Wittmann** (Straubing) (SPD) (Drucksache 8/2365 Frage A 63):

Teilt die Bundesregierung die Auffassung des Bundesgesundheitsamts, daß ein potentielles Gesundheitsrisiko auf Grund des Vorkommens von Chloroform im Trinkwasser der gesamten Bundesrepublik Deutschland mit wünschenswerter Sicherheit nicht auszuschließen sei, und welche Folgerungen gedenkt sie aus dieser Feststellung zu ziehen?

(B)

Die Bundesregierung teilt die Auffassung des Bundesgesundheitsamtes, daß ein potentielles Gesundheitsrisiko bei Anwesenheit von Chloroform oder ähnlichen Stoffen im Trinkwasser mit wünschenswerter Sicherheit nicht auszuschließen ist. Chlor selbst dagegen ist in der durch die Trinkwasser-Aufbereitungs-Verordnung zugelassenen Konzentration gesundheitlich unbedenklich. Die Frage des gesundheitlichen Risikos der Reaktionsprodukte des Chlors kann jedoch nur unter Abwägung zwischen Risiko und Nutzen der Behandlung bewertet werden. Die Chlorung des Wassers ist heute noch unbedingt erforderlich, da sie in erster Linie dem Seuchenschutz dient. Die dabei entstehenden Substanzen sind somit letztlich die Folge von Sicherheitsmaßnahmen, die zum Schutze der Bevölkerung unerlässlich sind.

Um ein Risiko zu beseitigen oder wenigstens zu mindern, fördert die Bundesregierung bereits seit Jahren mit erheblichen Mitteln die Entwicklung neuer Verfahren zur Aufbereitung von Rohwasser zu Trinkwasser unter weitgehender Vermeidung des Einsatzes von Chlor. Mit diesen Verfahren soll die Bildung von Chloroform und ähnlichen Stoffen vermieden werden. Versuchsanlagen wie z. B. in Mülheim/Ruhr sind bereits in Betrieb genommen, andere befinden sich im Bau. Das Bundesgesundheitsamt sucht darüber hinaus ebenfalls Wege zur Vermeidung dieser Reaktionsprodukte und hat auf der letzten Sitzung seiner Trinkwasserkommission be-

schlossen, hierfür eine besondere Arbeitsgruppe einzusetzen, die die möglichen Desinfektionsalternativen und die technischen Voraussetzungen anderer Wasseraufbereitungsverfahren abklären soll.

(C)

Anlage 14

Antwort

des Parl. Staatssekretärs Wrede auf die Mündliche Fragen des Abgeordneten **Tönjes** (SPD) (Drucksache 8/2365 Fragen A 78 und 79):

Werden im Weihnachtsverkehr im Bereich der Bundesbahndirektion Frankfurt Bundeswehrsoldaten und im Bereich der Bundesbahndirektion Nürnberg Strafgefangene als Aushilfskräfte beschäftigt?

Wenn ja, wie verhält sich diese Tatsache mit der Behauptung des Vorstandes der Deutschen Bundesbahn, daß z. Z. ein Personalüberhang von 20 000 Eisenbahnern besteht?

Im Bereich der Bundesbahndirektion Stuttgart (nicht Frankfurt) werden im Weihnachtsverkehr zur Bewältigung von Verkehrsspitzen als Aushilfskräfte bis zu 20 Berufssoldaten der Bundeswehr im Ladedienst beschäftigt, die sich dafür in ihrer Freizeit zur Verfügung gestellt haben. Die Bundesbahndirektion Nürnberg beschäftigt selbst keine Strafgefangenen. Im Bereich der Bundesbahndirektion Nürnberg werden aber seit 1970 im Gleisbauhof von Fall zu Fall im Rahmen von Unternehmerarbeiten auch einige (etwa 6—8) sogenannte Freigänger eingesetzt, d. h. Strafgefangene, die im Interesse der Resozialisierung tagsüber außerhalb der Strafanstalt arbeiten und nach Feierabend dorthin zurückkehren.

(D)

In beiden Fällen handelt es sich um regional sehr begrenzten und jeweils nur kurzfristigen Arbeitskräftebedarf — im Weihnachtsverkehr sogar nur stundenweise —, für den ein Einsatz von an anderen Orten überzähligen Mitarbeitern nicht in Betracht kommen kann.

Im übrigen beträgt der durch den Rückgang des Personalbedarfs bei gleichzeitigem Verzicht auf Entlassungen bedingte Personalüberhang zur Zeit nur noch etwa 10 000 Dienstkräfte mit weiterhin rückläufiger Tendenz.

Anlage 15

Antwort

des Parl. Staatssekretärs Wrede auf die Mündliche Frage des Abgeordneten **Daweke** (CDU/CSU) (Drucksache 8/2365 Frage A 85):

Beabsichtigt die Deutsche Bundespost, in allen kleineren ländlichen Orten Poststellen zu schließen, und falls ja, wie will die Bundesregierung sicherstellen, daß auch im dünnbesiedelten ländlichen Raum künftig eine reibungslose Bedienung der Postkunden möglich ist?

Die Deutsche Bundespost beabsichtigt nicht, in allen kleineren ländlichen Orten die Poststellen zu schließen.

Von einer Arbeitsgruppe des Bundespostministeriums angestellte Überlegungen zur Landversor-

Annex 590

German Bundestag, Plenary Protocol 8/162 of the 162 Session, 22 June 1979, page 12964 (German original of page 12964 and English translation of Annex 65)

[. . .]

Annex 65

Answer by Parliamentary State Secretary Stahl to the written question by **Mr Biechele** (CDU/CSU) (printed paper 8/2969 Question B 79) : Is the Federal Government aware of the dangers posed to the global climate, and thus also to the climate in the Federal Republic of Germany, by the indiscriminate clearing of forests in Third World countries, and what steps can the Federal Government take to prevent this threat?

The Federal Government is aware of the dangers posed to the global climate by the clearing of large forests, including in the Third World. Deforestation contributes to further increasing the already high concentration of CO₂ in the biosphere. According to currently known estimates, the annual rate of CO₂ supply caused by deforestation is in the order of 1 to 5 billion tonnes of CO₂-C. If the increase in CO₂ in the atmosphere remains constant, negative effects on the global climate over the next 50 to 100 years are not unlikely.

The German government has therefore been endeavouring for years to promote environmentally friendly energy technologies, modern hydroelectric power plants, the use of solar energy, etc. to the countries of the Third World, the application of which makes the clearing of large areas of forest unnecessary. In this context, the German government considers appeals to developing countries alone to refrain from deforestation to be ineffective. Rather, the industrialised countries have a certain responsibility for the worldwide provision of new environmentally friendly forms of energy, also in view of the energy use they are pursuing.

Deutscher Bundestag

Stenographischer Bericht

162. Sitzung

Bonn, Freitag, den 22. Juni 1979

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- (A) untersucht oder erforscht, die Ergebnisse daraus bedürfen der praktischen Erprobung. Bisher vorliegende Erkenntnisse möchte ich Ihnen an drei Beispielen erläutern.

— Stroh —

Durch Verbrennen von 1 kg Stroh können etwa 0,3 l Heizöl ersetzt werden. Bei den in der Bundesrepublik zwischen 3 bis 5 Millionen t Überschußstroh kann demnach mit einem Heizöl-Äquivalent von 1 bis 1,5 Millionen t gerechnet werden.

Die Strohverbrennung im landwirtschaftlichen Betrieb kann je nach Höhe des Stroh- und Heizölpreises kostengünstiger als die Ölverbrennung sein. Bei einem derzeitigen Preis für Heizöl von 0,50 DM/l und den Strohpreisen des vergangenen Jahres von 6 bis 7 DM/dt, kann eine derartige Strohnutzung heute bereits wirtschaftlich interessant sein. Bei den auf dem Markt befindlichen Strohverbrennungsöfen bedürfen allerdings die Beschickungsvorrichtungen und der emissionsarme Verbrennungsablauf einer wesentlichen Verbesserung.

— Biogas —

Bei der Biogasgewinnung hängt die Gasausbeute von der Zusammensetzung der zu verarbeitenden Stoffe ab (Rest- oder Abfallstoffe aus der Pflanzenproduktion und der Tierhaltung). Für Einrichtungen zur Speicherung, Aufbereitung und Dosierung des zu faulenden Gutes, für die Faulanlage mit Gasspeicherung, für die Reinigung und Verwertung des Gases sowie für die Zwischenlagerung des anfallenden Faulschlammes sind hohe Investitions- und Unterhaltungskosten erforderlich. An die Biogasanlagen werden hohe Anforderungen gestellt, deshalb sind qualifizierte Bedienung und Wartung Voraussetzung für das einwandfreie Funktionieren. Unter bestimmten Bedingungen (genügend Rest- oder Abfallstoffe und entsprechend dimensionierte Biogasanlage sowie optimal gewähltes Verfahren) kann der Energiebedarf eines landwirtschaftlichen Betriebes einschließlich Betreiben der Anlage aus dem gewonnenen Gas gedeckt werden. Für landwirtschaftliche Betriebe, die ihren Flüssigmist zur Geruchsbeseitigung behandeln müssen, kann das sog. Speicherverfahren der Biogasgewinnung eine sinnvolle und kostengünstige Lösung sein. Gleichzeitig kann ein hochwertiger gerucharmer Dünger gewonnen werden.

Bei Zusammentreffen mehrerer günstiger Umstände kann die Biogasgewinnung bei den derzeitigen Heizölpreisen (0,50 DM/l) wirtschaftlich sein. In der Mehrzahl der Fälle muß bei dem gegenwärtigen Entwicklungsstand der technischen Verfahren die Energieeinheit über Biogas drei- bis sechsmal teurer bezahlt werden als über Elektrizität oder Heizöl. An der Verbesserung und damit Verbilligung des bisher bekannten Verfahrens zur Biogasgewinnung wird gearbeitet.

— Äthanol —

Die Verwendung des Äthanol als Kraftstoff ist ohne technische Schwierigkeiten möglich, wenn es in Mengen von nicht mehr als 20 % dem Benzin oder nicht mehr als 3 % dem Dieselmotorkraftstoff beigemischt

wird. Höhere Beimischungen erfordern technische Änderungen an den Motoren. (C)

In der Bundesrepublik Deutschland könnte aus Zuckerrüben oder Mais Äthanol hergestellt werden. Die Herstellung von 1 l Äthanol aus Zuckerrüben mit 16 % Zuckergehalt würde gegenwärtig für Rohstoff, Verarbeitungs- und Reinigungskosten etwa 2,20 DM kosten. Bei Mais mit 60 % Stärkegehalt würde der Preis für 1 l gebrauchsfertiges Äthanol etwa 3,00 DM betragen. Bei diesen hohen Kosten muß außerdem bedacht werden, daß zur Gewinnung von 100 l Äthanol etwa 70 l Heizöl erforderlich sind. Da der Energiegehalt von Äthanol niedriger ist als der von Heizöl, würde bei der Äthanolherstellung mehr Energie verbraucht als gewonnen.

Eine Verbesserung dieser ungünstigen Relationen durch andere oder verbesserte Destillationsverfahren ist nicht ausgeschlossen. Deshalb wird auch an der Energiegewinnung aus nachwachsenden Rohstoffen weiter gearbeitet.

Anlage 65

Antwort

des Parl. Staatssekretärs Stahl auf die Schriftliche Frage des Abgeordneten **Biedehe** (CDU/CSU) (Drucksache 8/2969 Frage B 79):

Sind der Bundesregierung die Gefahren bekannt, die durch das planlose Abholzen der Wälder in Ländern der Dritten Welt für das Weltklima und damit auch für das Klima in der Bundesrepublik Deutschland drohen, und welche Schritte kann die Bundesregierung unternehmen, um der drohenden Entwicklung vorzubeugen? (D)

Der Bundesregierung sind die Gefahren bekannt, die durch Rodungen großer Wälder auch in der Dritten Welt für das Weltklima gegeben sind. Das Abholzen von Wäldern trägt dazu bei, die ohnehin hohe CO₂-Konzentration in der Biosphäre weiter zu vergrößern.

Nach derzeit bekannten Schätzungen liegt die durch Rodung bedingte jährliche Zufuhr an CO₂ in der Größenordnung von 1 bis 5 Mrd. t CO₂-C. Bei gleichbleibender Zunahme des CO₂ in der Atmosphäre sind negative Auswirkungen auf das Weltklima in den nächsten 50 bis 100 Jahren nicht unwahrscheinlich.

Die Bundesregierung ist daher schon seit Jahren bemüht, den Ländern der Dritten Welt umweltfreundliche Energietechnologien, moderne Wasserkraftwerke, Nutzung der Sonnenenergie u.a. zu vermitteln, bei deren Anwendung die Rodung großer Waldgebiete sich erübrigt. Appelle allein an die Entwicklungsländer, auf Abholzungen zu verzichten, hält die Bundesregierung in diesem Zusammenhang für wenig wirkungsvoll. Vielmehr kommt den Industrieländern auch angesichts des von ihnen verfolgten Energieeinsatzes eine gewisse Verantwortung für die weltweite Bereitstellung neuer umweltfreundlicher Energiearten zu.

Annex 591

Oral statement by Australia at the third session of the Conference of the Parties
(COP 3) to the United Nations Framework Convention on Climate Change
(UNFCCC), 8 December 1997



Australian Statement

Third Session of the Conference of the Parties

United Nations Framework Convention on Climate Change

8 December 1997

Senator the Honourable Robert Hill

Minister for the Environment

Mr President

Australia's National Response

Australia wants a durable and environmentally effective Kyoto agreement. Our collective efforts must demonstrate leadership and lay a solid foundation for a truly global response to climate change. We must particularly recognise those most acutely at risk - and for Australia, we think of our Pacific Island friends.

In Australia, we are implementing a major new program of greenhouse measures to address all greenhouse gas emissions and sources.

The measures Australia has now adopted will cut our growth in emissions by more than half. This is a real turning point. It means a reduction in Australia's per capita emissions of 4 percent against 1990.

We are boosting the uptake of electricity from renewable energy sources and providing substantial support for the commercialisation of renewable energy technologies. We are establishing a mandatory renewables target for electricity retailers. By 2010 eleven percent of our energy will come from renewable sources.

We are accelerating our energy market reforms, and introducing emissions standards for fossil fuel electricity generation. A broad range of national energy efficiency codes and standards for appliances, equipment and buildings will take Australia to best practice in these areas.

Australia's Environmental Strategy for the Automotive Industry will provide a fifteen percent improvement in fuel efficiency by 2010.

Australia is investing heavily in revegetation. We will treble our plantation forestry by 2020.

Industry is responding strongly to the challenge to cut emissions. We are extending our successful voluntary industry Greenhouse Challenge program to achieve greater uptake by industry. We are cutting emissions in the energy, transport, industrial, and household sectors.

We are boosting the uptake of electricity from renewable energy sources and providing substantial support for the commercialisation of renewable energy technologies. We are establishing a mandatory renewables target for electricity retailers. By 2010 eleven percent of our energy will come from renewable sources.

We are accelerating our energy market reforms, and introducing emissions standards for fossil fuel electricity generation. A broad range of national energy efficiency codes and standards for appliances, equipment and buildings will take Australia to best practice in these areas.

Australia's Environmental Strategy for the Automotive Industry will provide a fifteen percent improvement in fuel efficiency by 2010.

Australia is investing heavily in revegetation. We will treble our plantation forestry by 2020.

Industry is responding strongly to the challenge to cut emissions. We are extending our successful voluntary industry Greenhouse Challenge program to achieve greater uptake by industry. We are cutting emissions in the energy, transport, industrial, and household sectors.

The participation of some 300 local governments by 2003, will realise major expansion of the international Cities for Climate Protection campaign.

Australia's action on climate change involves all levels of government. Australia's action and the measures recently announced are unconditional. We are not waiting on what others are prepared to do.

Australia is taking this action now. We are going well beyond any greenhouse action previously undertaken in our country and well beyond what is contemplated by many others at this time. It is at significant economic cost. It involves action across the whole Australian community.

With the inclusion of land-use change and forestry in this agreement we will have cost effective opportunities to cut further our net emissions.

A fully comprehensive approach with all sectors, sources and sinks included - just as the IPCC instructs - will allow us to commit to significant reductions below what we have already said we can do.

The International Response

Throughout these negotiations, Australia has maintained that to be environmentally effective the Kyoto agreement must be:

- fair
- realistic and achievable
- cost effective, and
- comprehensive in its coverage of all sources, sinks and greenhouse gases.

To achieve this, differentiated targets which ensure an equitable sharing of the costs of action across the whole of Annex 1 are essential.

For Australia, therefore, providing for cost effective solutions on the basis of a comprehensive approach is fundamental for a durable and effective agreement.

A Global Response

Climate change is a global problem requiring a global response. Developed country parties have agreed to take the first steps.

Developing countries are right to insist that their economies have the opportunity to modernise and grow. However, a lasting and effective global climate change response will involve us all. An essential part of the Kyoto outcome must be a process for commitment by us all.

We want this Kyoto Conference to mark a significant step forward. If we are prepared to make genuine commitments and ensure our commitments are fair to each other, then we can achieve that goal.

Annex 592

Oral statement by Indonesia at the third session of the Conference of the Parties
(COP 3) to the United Nations Framework Convention on Climate Change
(UNFCCC), 8 December 1997



**MENTERI NEGARA
LINGKUNGAN HIDUP**

**STATEMENT BY
H.E. MR. SARWONO KUSUMATMADJA
MINISTER OF STATE FOR ENVIRONMENT
OF THE REPUBLIC OF INDONESIA
BEFORE THE MINISTERIAL SEGMENT OF
THE THIRD CONFERENCE OF THE PARTIES
TO THE UNITED NATIONS
FRAMEWORK CONVENTION ON CLIMATE CHANGE**

KYOTO, 8 DECEMBER 1997

PLEASE CHECK AGAINST DELIVERY

**Mr. President,
Excellencies,
Distinguished Delegates,
Ladies and Gentlemen.**

At the outset allow me on behalf of the Indonesian Delegation to express our sincere gratitude and appreciation to the Government and people of Japan for hosting this Conference and for the warm welcome and cordial hospitality that has been extended to us. I would also like to congratulate you, Mr. President, upon your election as a President of the Conference. We are confident, that under your wise guidance and able leadership, our Conference will arrive at successful Kyoto Protocol conclusion.

Mr. President,

Five years ago, in Rio, we met and adopted the Convention to combat climate change as scientific evidence has shown that the concentration of anthropogenic emissions of greenhouse gases has made a serious interference with the climate system. Regrettably, the alarm bells still continue to sound loud and clear on the growing threat to the long-term survival of the global climate. The expected implementation of the Convention is still far from being realized, despite the fact that we have acknowledged that the climate is at risk. Today in Kyoto, we meet to give guidance to the final stage of the realization of the Berlin Mandate. We should avoid ending up this meeting with no legally binding commitment of Annex I Parties in greenhouse gases emission reduction.

We are, however, gravely concerned in seeing this COP 3 process, as some developed countries have yet to show leadership to move this process forward in combating climate change and the adverse effects thereof. Instead, an attempt has been made to prematurely include the commitment of developing countries to cut emissions by introducing the concept of evolution for the Post-Kyoto process.

Mr. President,

We, the developing countries have in fact been undertaking actions, showing our serious commitment toward the achievement of the objective of the Convention. Indonesia, at the national level, has consistently pursued national development program by formulating its policy to reduce greenhouse gases emissions, as the Convention requires. As an equatorial, tropical, archipelagic state, and one of the countries with a large tropical forest, Indonesia has unique role as carbon sink whilst being vulnerable to sea level rise at the same time. And as an oil exporting country, Indonesia is also paying greater attention to reduce the energy consumption level from fossil fuels related to greenhouse gases emissions sources by developing the use of other sources of energy as well as promoting energy efficiency. Especially after having experienced the environmental disaster recently due to forest fires, which is strongly related to the climate change phenomenon, Indonesia is more than ever aware of the adverse effects of climate change. Therefore, energy development, management of our marine and coastal resources, forest, sustainable agriculture, urban land use, are important issues related to the potential increase of greenhouse gases emissions.

Since we have limited national capacity and environmentally sound technology development options, we must count on various opportunities for international cooperation between Annex 1 and Non-Annex 1 Parties in order to implement the Convention. As such, Activities Implemented Jointly on pilot phase as an instrument for cooperation between developed and developing countries in limiting and controlling greenhouse gases emissions should be developed bilaterally or multilaterally, on a voluntary basis. During the implementation of the A.I.J. on pilot phase, there should be in our considered view no emission credit or trading be given to developed countries. New and additional financial resources as well as the transfer of technology should be sought to ensure its successful implementation and to meet the ultimate objective of the Convention i.e. the stabilization of the greenhouse gases concentration in the atmospheric system. To this end, human resources development and national capacity building in developing countries are imperative. May I also add that in combating the negative effects caused by adverse effects of climate change,

total commitment by government and private sector as well as non-governmental organization is absolutely necessary.

Mr. President,

There is no much time left to take action before the coming years in which global warming is continually increasing. It is therefore imperative that the developed country parties demonstrate their commitments not merely to reducing greenhouse gases emissions, but also to modify longer-term trends in anthropogenic emissions, from their production and consumption patterns and lifestyles. The developed countries must take decisive action now in order to pave the way for a strong agreement by adopting the Kyoto Protocol. Only after the developed country Parties take the lead in fulfilling their obligations under the Convention, could we then deem fair to start talking about the commitment of developing countries on a voluntary basis in the future. The success of the Kyoto Protocol will be indeed measured by the significance of emission reduction undertaken by the developed country Parties, and not by the participation of the developing countries whose per capita GHG emissions are relatively very low even in the years to come.

In conclusion, Mr. President, it is my firm belief that the developed and developing countries could cooperate closely in implementing the parties' commitments to the convention on the basis of fair and equitable sharing of benefit. I would also like to appeal to all Parties to demonstrate our commitment for a genuine partnership in continuing to advance the implementation of the expected Kyoto Protocol. To achieve this spirit, my delegation hopes that the Third Conference of the Parties could become a cornerstone upon which concrete actions toward our partnership to combat the adverse effects of climate change could be well founded.

I thank you Mr. President.

Annex 593

Oral statement by Finland at the third session of the Conference of the Parties
(COP 3) to the United Nations Framework Convention on Climate Change
(UNFCCC), 9 December 1997

CHECK AGAINST DELIVERY

**Statement by Mr. Pekka Haavisto,
Minister for the Environment and Development Cooperation
of Finland
at
the Third Session of the Conference of the Parties
to the United Nations Framework Convention on Climate Change**

9 December 1997

Mr. President,

Let me start by thanking the Government of Japan for all hospitality extended to the delegations during this conference. There could be no better place for discussing the future of the globe than this city of great history and determined policies to ensure its sustainable future.

Combatting climate change is a long-term goal with at least 100 years perspective. The UN Climate Convention signed at Rio in 1992 has only set the stage: we must now give those commitments concrete expression – we must take action.

Finland is prepared to do her share in the global effort, in particular within the context of the European Union. As an industrialized country, Finland has the responsibility to address climate change as a matter of urgency in order to contribute to sustainable development of our globe.

It is of critical importance that industrialised countries work together to introduce new forms of energy and new technology and adopt policies and measures to this end, including economic instruments. In Northern Europe, there is growing interest in green electricity. It means electricity produced with renewable energy: solar power, windpower, biomass, and waterpower. Finland has, indeed, been one of the most advanced countries in the world in the use of sustainably produced biomass and combined heat and power production.

Special attention should also be paid to the demand side. Environment related energy taxation could work as an incentive towards sustainable production and consumption patterns and ecoefficiency. Finland was also one of the first countries to introduce carbon dioxide taxation, already 1990.

The question of sinks is of great importance to Finland. In Finland, forests cover 76 % of the land area. We have a long tradition of sustainable forest management. Today, the growth of forests exceeds the rate of their utilization, and we are fully committed to maintaining this natural treasure for our future generations.

The focus on forests as sinks should not work against the goal of conserving the biodiversity. Therefore, a holistic approach to forests is necessary. This is one reason why we, together with the EU and many other countries have been advocating for a legally binding instrument for all types of forests to be developed within the framework of the Commission on Sustainable Development.

We have followed with concern the varying proposals for methods calculating sinks. Unclear concepts and the uncertainty of related methods may lead to unforeseen results. With hastily made decisions, countries, like ours, which have maintained and secured their forests and sinks, may be penalized for their efforts.

Mr. President,

Joint implementation by industrialized countries has aroused much interest in Finland. There is a great potential of reducing emissions in a cost-effective way in countries with economies in transition and in rapidly industrializing countries.

Finland emphasizes that the achievement of goals as well as future trends in global emissions from developing countries call for new types of cooperation by all Parties. Therefore, we have studied with great interest proposals of creating a Clean Development Mechanism through which developing countries will benefit from activities resulting in certified emission reductions and industrialized Parties may use such reductions to contribute to their compliance with the commitment under the Protocol.

At the same time we still see many open questions that need to be addressed in order to ensure that such a mechanism is transparent and credible. Independent verification of emission reductions is important. Furthermore, the new mechanism should not undermine the GEF's position as the financial mechanism of the Convention. Finland will also support the replenishment of GEF.

The role of technology development and diffusion in the reduction of green house gas emissions should not be forgotten either. The Climate Technology Initiative launched by OECD Member Countries offers an effective and flexible mechanism to enhance international collaboration in the field.

Mr President,

Finland will work for an ambitious outcome of this conference. We recognize that the most important part of the work has to be done at home. Achieving the targets will depend on domestic activities. The contribution of all actors – the state, private sector, local authorities and NGOs – is necessary. This has to be reflected in our decisions here and in our actions hereafter.

Thank you, Mr. President

Annex 594

Oral statement by Estonia at the third session of the Conference of the Parties
(COP 3) to the United Nations Framework Convention on Climate Change
(UNFCCC), 9 December 1997

Statement by H. E. Mr. Villu Reiljan,
Minister of the Environment of the Republic of Estonia
Third Conference of the Parties to the UN Framework Convention on Climate Change
Kyoto, 9 December 1997

Distinguished President, Dear Colleagues, Ladies and Gentlemen,

Allow me to start my statement with the appreciation of the hospitality of our hosts, Government of Japan, Mayor of Kyoto and people of this marvelous ancient capital of Japan. I trust this warm atmosphere will help us to reach a meaningful solution here in Kyoto, leading us towards the reduction of the emissions of greenhouse gases.

Preservation of the global climate system is our common and shared responsibility. The time is ripe for actions. Estonia is ready to commit itself to substantial legally binding reduction targets in line with the proposal of the European Community. We have considered reduction of emissions of main three greenhouse gases included in a basket, but we are also ready to discuss the inclusion of additional gases. Being a country with the economy in transition dealing with restructuring of our industry, we have additional opportunities for win-win solutions reducing further our greenhouse gases emissions. Our positive experience in implementing projects on activities implemented jointly with our Nordic neighbours, proved to be useful and therefore we are supportive for further elaboration of this mechanism in the frames of the Convention. Emission trading seems to have similar merits as well, but more time is needed to elaborate this innovative tool, in order to introduce it in a later stage. *instrument*

Distinguished President, in our view only an ambitious legally binding agreement could lead us towards our goal, stabilization and reduction of the level of anthropogenic greenhouse gases in the atmosphere. In order to support the achievement of agreed quantified emission limitation and reduction objectives and make them really operational, the protocol or another legal instrument has to include a list of policies and measures, clearly designed to contribute to reduction of emissions of agreed gases, especially from fuel combustion, industry, transportation sectors as well as enhancement of sinks and encouragement of the use of renewable energy sources. Estonia is rich in forest and peat and has therefore a good potential to switch further to renewable energy sources. Preservation and sustainable use of natural resources is secured in Estonia by the Act on Sustainable Development and the Act on Forests. Therefore we seem to be able to achieve a reasonable balance between the use of renewable energy sources and ensure further enhancement of reservoirs and sinks. We are looking forward to fruitful discussion on net approach.

Distinguished President, mitigation of climate change and its adverse effects is cooperative exercise, which needs involvement of both developed and developing countries. Developed world should make clear its leadership, while most advanced

developing countries should start to take appropriate measures to reverse the trend of their greenhouse gases emissions without delay.

I would conclude my statement with the strong belief that our effort in Kyoto will result in further development and strengthening of international climate regime, with the main aim of preserving our planet to next generations.

Thank you.

Annex 595

Oral statement by Belgium at the third session of the Conference of the Parties
(COP 3) to the United Nations Framework Convention on Climate Change
(UNFCCC), 9 December 1997



**STATEMENT BY MR. JAN PEETERS, STATE SECRETARY FOR
SECURITY SOCIAL INTEGRATION AND ENVIRONMENT OF
BELGIUM,**

**TO THE CONFERENCE OF THE PARTIES OF THE UNITED NATIONS
FRAMEWORK CONVENTION ON CLIMATE CHANGE
KYOTO, 9 DECEMBER 1997**

Mr. Chairman,

Dear Colleagues, Delegates, Ladies and Gentlemen,

First of all, I would like to join in the remarks made by my colleague, Mr. Lahure, who spoke yesterday on behalf of the European Union and its member states. My country strongly endorses the positions taken by the European Union at this conference.

This week, we have to adopt legally binding commitments by the industrialised countries, who bear the historic responsibility for the current high concentrations of greenhouse gases in the atmosphere. The convention itself requires them to take the lead by reducing their emissions. This is a matter of justice and equity, to which my country fully subscribes. The capacity of the earth's atmosphere to absorb greenhouse gases is limited and, ultimately, we must find a way of achieving a more equitable sharing of this capacity between countries of North and South. We, political leaders of the industrialised world, will lose credibility in this matter, if we fail to reach a meaningful agreement at the end of this conference.

People everywhere want a better quality of life, which cannot be achieved merely by economic growth. But we understand that we cannot expect countries in which basic human needs are not yet adequately met to reduce their greenhouse gas emissions as long as the wealthiest and least energy-efficient countries take no effective action themselves.

We must therefore adopt targets for emission reductions which are not only realistic, but also transparent. Both in the calculation of the target itself, and in the way in which they are to be achieved. The worst possible outcome of this conference would be a protocol which appears ambitious but in reality creates many different loopholes which will allow a continued increase of the emissions of Annex I countries.

Belgium, as a country which exports 70 % of its production to the rest of the world, is a strong proponent of co-ordinated policies and measures. These policies would reinforce the actions we undertake nationally, and would also diminish the opposition against them. We support a market-oriented approach, but also recognise that markets can and must be oriented by economic instruments and fiscal measures which provide real incentives for increased energy efficiency and environmental responsibility. Governments must play their role, to ensure that markets give the right signals to producers and consumers.

Mr. Chairman, in reality we -- in the North -- are all countries in transition. We must all achieve a transition from unsustainable modes of production and consumption to a sustainable way of life. At the end of this century, we must shift to a new model of social and economic development. One of the key elements of this model should be a new energy policy, which greatly increases the energy efficiency of our economies. Through such action, we will show that it is possible to increase the level of development of all people in the world, and that quality of life will not be diminished, but increased by a voluntarist approach to the problem of climate change.

Mr. Chairman, our population -- our voters -- have a legitimate desire for economic well-being and economic security. But they also want environmental security and a better quality of life for their children and their children's children. We will have to deliver both at this conference. It will only be a first step for the protection of our atmosphere. But the first step, like the first step of a child, is the most important one.

For policy-makers there cannot be a more rewarding task than to work for the well-being of the generations to come.

Annex 596

Oral statement by Ethiopia at the third session of the Conference of the Parties
(COP 3) to the United Nations Framework Convention on Climate Change
(UNFCCC), undated

**Statement by the Minister of Water Resouces
Shiferaw Jarso
of the Federal Democratic Republic of Ethiopia**

Thank you Mr. President
Distinguished Ministers and Delegates

Although our overriding priorities are poverty eradication, socioeconomic development and meeting the basic needs of our people we recognize that climate change is a global problem which needs a global solution. Every nation has to be involved to combat climate change.

Since the Rio Earth Summit, like other developing countries, Ethiopia has taken a number of steps related to the Climate Convention at the national level, including ratifying the Convention, identifying national focal institutions for coordinating and follow up, conducting inventory of GHGs, vulnerability, adaptation, and mitigation assessments in collaboration with the US climate Change Country Study Program, and participating in important meetings of the UNFCCC. Currently Ethiopia is to start enabling activities, which will help in preparing her national communication to the UNFCCC using the financial support obtained from the GEF through the UNDP.

We believe that developed country parties has to enhance such activities by providing adequate financial and technical support as well as appropriate technology transfer.

The IPCC finding indicates that a deep cut in GHGs emission has to be made to migrate and stop Global Warming. The Kyoto protocol is a first step in a long way. In this respect, developing country parties at some stage in the future has to make commitments to limit their GHGs

reductions.

The historical responsibility of developed nations in the reduction of GHGs has been acknowledged in the Berlin mandates. At the present stage it is our firm position that emission reduction proposals must not include legally binding targets for Non-Annex I Parties. If developed country parties are serious about addressing the problem of climate change they have to drastically reduce their GHGs emissions.

We are concerned that a weak protocol with many potential loopholes such as the not-well discussed and formulated concepts of , Net approach, Emission Trading, Exclusion of Hydrofluorocarbons(HFCs), Perfluorocarbons(PFCs), and Sulphurhexafluoride(SF6) will result in an overall increase rather than decrease of actual emission to the atmosphere above the current levels from Annex 1 parties. However we believe clearly formulated and properly discussed with clear methodologies of joint implementation may in the future contribute to our sustainable development objectives.

I would like to convey my appreciate to the Government and the people of Japan for their warm hospitality and honor accorded to us during the historic third conference of the parties to the Framework Convention on Climate Change.

I thank you.

Annex 597

Oral statement by the Republic of Korea at the third session of the Conference of the Parties (COP 3) to the United Nations Framework Convention on Climate Change (UNFCCC), undated

(Check Against Delivery)

Statement by
H.E. Mr. Yoon Yeo-joon
Minister of Environment
of the Republic of Korea
at the Third Session of the Conference of the Parties
to the United Nations Framework Convention on
Climate Change

December 8, 1997

Kyoto, Japan

Mr. President,
Excellencies,
and Distinguished Delegates,

It gives me great pleasure to begin by congratulating Minister Ohki on his election as the President of this important Conference. I have no doubt that under his able and insightful leadership, this Conference will produce many valuable results. I would also like to commend the government and people of Japan for taking the lead in global environmental preservation by hosting this Conference.

In the two years since the first session of the conference, we have been engaged in truly difficult negotiations on many complicated issues. Despite the collective view among nations that the prevention of climate change is a common task for all humankind, reconciling the differences between nations regarding the specific scope, logistics, and time-frame of the preventive measures has by no means been easy.

Protecting our precious Earth is a responsibility that we, as members of the global community, must all actively fulfill. At the same time, we must not lose sight of every nation's inalienable right to pursue social and economic development.

Industrialized nations have already exercised their power to develop in spite of limited resources of the Earth and I believe they should not inhibit the rightful efforts of other nations to improve their standards of living.

Most of today's developing nations are undertaking development based on the model set by advanced nations, and these efforts will continue in the future. Therefore, advanced nations that have successfully exercised their resources and abilities for development must take the lead in setting an example of protecting and preserving the environment which the rest of the world can follow.

The Republic of Korea lost virtually everything during the Korean War. Losses in social infrastructure, industrial facilities, and damages to the environment were devastating, not to mention the millions of lives that were lost. Despite such adverse conditions, the Korean people worked strenuously for over 40 years to achieve some economic growth, and such growth should continue in the future.

I would like to draw your attention to the fact that Korea's present energy-intensive industrial structure is the result of its industrialization process of the 1970's, which was centered on the petrochemical industry. It should also be pointed out that it will take time before Korea's energy consumption can be stabilized to the levels of most of Annex I parties to the Convention.

As you are all aware, Korea relies heavily on imports for most of its energy. The Korean government has been steadily pushing policies aimed at energy conservation and management of energy demand since the oil crises of the 1970's. Such policies can be seen as both direct and indirect extensions of the Korean government's efforts for climate change prevention.

I have no doubt that this Conference will serve as a catalyst for strengthening Korea's energy-related policies as set forth in the recently formulated national energy plan.

By linking our industrial policy with energy policy on a mid-to long-term basis, the Korean government is striving to create an industrial structure that is both environmentally friendly and less energy-consuming.

Korea intends to be as active participant in the worldwide environmental protection effort within the context of its social and economic capabilities.

The 21st Century is being called the "Century of the Environment."

I am convinced that the preservation of the Earth for all future generations will only be possible when the concept of environmentally sound and sustainable development takes root in the global community, and when every nation participates in the concerted effort to protect the environment.

To that end, all participants of this Conference should strive to serve all humankind by observing the common responsibilities for preserving the Earth, but they should also recognize the special circumstances and rights of individual nations to pursue sustainable development.

I would like to once again express my hope that this Conference will lay a solid foundation on which the global community can build a common future in the coming millennium.

Thank you.

Annex 598

Summary record of the 22nd meeting of the fifty-third session of the General
Assembly, held on 22 October 1998, A/C.2/53/SR.22

**General Assembly**

Fifty-third session

Official RecordsDistr.: General
10 November 1998

Original: English

Second Committee**Summary record of the 22nd meeting**

Held at Headquarters, New York, on Thursday, 22 October 1998, at 3 p.m.

Chairman: Mr. Asadi (Islamic Republic of Iran)
later: Mr. Prendergast (Vice-Chairman) (Jamaica)

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Agenda item 94: Environment and sustainable development

- (b) Protection of global climate for present and future generations of mankind
- (c) Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States
- (d) Convention on Biological Diversity
- (e) Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa

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Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

The meeting was called to order at 3.10 p.m.

Agenda item 94: Environment and sustainable development (A/53/25, A/53/72-S/1998/156, A/53/95-S/1998/311, A/53/96, A/53/156-S/1998/78, A/53/165-S/1998/601, A/53/371-S/1998/848, A/53/416, A/53/425, A/53/487)

- (b) Protection of global climate for present and future generations of mankind** (A/53/449)
- (c) Implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States** (A/53/65-E/1998/5, A/53/358)
- (d) Convention on Biological Diversity** (A/53/451)
- (e) Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa** (A/53/516)

1. **Mr. Zammit-Cutajar** (Executive Secretary, United Nations Framework Convention on Climate Change), introducing the note by the Secretary-General (A/53/449), said that the most significant outcome of the third session of the Conference of the Parties had been the Kyoto Protocol, which was as much an economic instrument as an environmental one. The fact that the next session would be held in a developing country, Argentina, underlined the global nature of the climate change problem. The outcomes of that session would be more in the form of action plans, and firm deadlines for action on the part of the Parties. The agenda reflected the concern of Governments to achieve a balance between Convention issues and Protocol issues. One point on which there was a very clear difference of views, was the question of whether and how to debate the future development of commitments under the Convention.

2. The review of the administrative arrangements that linked the Framework Convention on Climate Change and its secretariat to the United Nations proper would be conducted by the General Assembly at its fifty-fourth session and by the Conference of the Parties. However, it had been agreed that administrative responsibilities should be shifted increasingly from Geneva to Bonn.

3. **Mr. Johnston** (Convention on Biological Diversity), introducing the note by the Secretary-General contained in document A/53/451, said that in his view, the Convention's effectiveness basically depended on its being able to generate sound scientific information for use by planners and decision makers. Developing scientific understanding of biodiversity

and the human relationship with biodiversity was necessary to preventing the adverse impact that human activities had on biodiversity. The Convention's Subsidiary Body on Scientific, Technical and Technological Advice (SBSTTA) had developed into a leading source of scientific advice on biodiversity. The secretariat had received over 100 national biodiversity reports, which represented the most significant source of information on biodiversity at the international level. The Convention therefore had a significant contribution to make to the deliberations within the United Nations on those matters.

4. **Mr. Diallo** (Executive Secretary, United Nations Convention to Combat Desertification), introducing the report of the Secretary-General on the implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, (A/53/516), said that to date 143 countries from all regions of the world as well as regional economic integration organizations, including the European Union, had ratified or acceded to the Convention. The organization in Recife, Brazil, of the first forum between Africa and Latin America and the Caribbean on the implementation of the Convention, with the financial support of the International Fund for Agricultural Development (IFAD) and the Governments of France, Germany and Spain, demonstrated that the Convention was increasingly at the heart of the environmental concerns of the various States Parties.

5. One of the main issues on the agenda of the second session of the Conference of the Parties was the operationalization of the Global Mechanism. The Conference would be invited to endorse the text of the Memorandum of Agreement with IFAD on the modalities and administrative operations for the Global Mechanism. He thanked all the countries and international organizations that had responded to the Secretary-General's appeal for voluntary contributions to the trust funds established for the participation of developing countries in the meetings of the Conference of the Parties and in support of the Secretariat's activities, and paid special tribute to the Government of Japan for its contribution of \$1,800,000 for 1998.

6. **Mr. Dengo** (Department of Economic and Social Affairs), introducing the report of the Secretary-General on plans and projects for the sustainable development of the small island developing States implemented, under implementation or envisaged for the period of 1999–2003 by bilateral donors, United Nations organizations and regional and non-United Nations international organizations (A/53/358), said that, the information it provided was helpful in assessing the responsiveness of the international

community to the Programme of Action for such countries and seemed to suggest an increase in projects since 1994. However, since only sketchy information had been made available by respondents regarding projects to be implemented in the coming five years, it was premature to judge whether that increase would be sustained. Those donor agencies that had not provided inputs, or that wished to update their inputs, should do so prior to the donors' conference.

7. **Mr. Wibisono** (Indonesia), speaking on behalf of the Group of 77 and China, welcomed the signing of the Kyoto Protocol by over 50 States. While the Kyoto session was widely seen as a significant first step towards limiting the unbridled growth in greenhouse gas emissions, there were numerous scientific, technical and economic uncertainties about the new mechanisms and their implications. One basic concern was that they moved essential domestic action off shore. It was therefore important not only to develop agreed international standards for monitoring and verification but, above all, to determine a non-compliance regime pursuant to article 18 of the Protocol.

8. In the view of the Group of 77 and China, the activities to be undertaken by Annex 1 Parties under the new mechanisms should be supplementary to domestic actions. Early and committed action by the developed countries was critical and fundamental, since they were the countries historically responsible for the problem and currently had the capacities to produce effective results. It was unfair and unacceptable that the developing countries, which were struggling to attain decent standards of living, should be asked to curtail their industrial activity and share in the efforts to reduce emissions so that the industrialized countries could continue with their unsustainable production and consumption patterns. In accordance with the principles of common but differentiated responsibilities, developed countries must take the lead and not merely reduce emissions, but also modify their production and consumption patterns.

9. The Group of 77 and China reiterated the importance of the Programme of Action for the Sustainable Development of Small Island Developing States and appealed to the international community to participate actively in the activities planned for 1999, including the donor conference and the special session of the General Assembly on small island developing States. Concerning the report of the Secretary-General contained in document A/53/358, the Group welcomed the positive developments in some of the priority areas of concern, in particular the action by the United Nations in support of the system-wide implementation of the Barbados Programme of Action and endorsed the conclusions contained in paragraphs 23 to 26. Small island

States had been and were making considerable and strenuous efforts at the national and regional levels. Unfortunately, those endeavours were not being adequately complemented by the international community in line with commitments undertaken under the global conference to operationalize and implement the Programme of Action. The bilateral and multilateral donor community must provide adequate financial resources and technical assistance to enable the small island developing States to address their special socio-economic development constraints more effectively.

10. Turning to the Convention on Biological Diversity, he said that it was gratifying to note that the Parties had been carrying out their work programme on agricultural biodiversity in close cooperation with the Food and Agriculture Organization of the United Nations (FAO). The Convention was an important instrument for translating international commitments into national action, but for that to happen resources had to be increased so that the needs of the developing countries could be addressed more adequately. The Group of 77 and China therefore urged donors to make adequate financial resources available through the Global Environment Facility (GEF) and through other sources, including bilateral sources.

11. The countries affected by serious drought and desertification were giving priority to restoring and protecting their national and global environments, but the eradication of poverty was still the key strategy for combating desertification and achieving sustainable development. The Group of 77 and China hoped that the Global Mechanism would successfully mobilize resources and channel them to the developing countries, particularly to those in Africa. It appealed to all countries to agree to the establishment of a committee on the review of the implementation of the Convention, and reiterated the appeal made by the Conference of Parties to the developed countries, the multilateral and bilateral financial institutions and the private sector to make voluntary contributions to the Global Mechanism.

12. With only a few days before the fourth session of the Conference of the Parties to the Framework Convention on Climate Change and the second session of the Conference of the Parties to the Convention to Combat Desertification, the Group of 77 and China considered that the principle of common but differentiated responsibilities clearly agreed upon at the United Nations Conference on Environment and Development and in Agenda 21 should be fully applied, and the sessions should not be distracted by issues extraneous to the letter and spirit of the two Conventions.

13. **Mr. Biao** (Benin), speaking as Chairman of the African Group on the United Nations Convention to Combat

Desertification, said that there was only one African State which had yet to ratify the Convention, and all were drawing up national programmes of action. They were confident that once they had adopted national, subregional and regional programmes of action, partnership agreements would be concluded with the developed countries, the financial institutions and the private sector. At the same time as drawing up their national programmes of action, they were taking steps to establish national funds for combating desertification.

14. In each of the five subregions steps were being taken to establish a facilitation fund to finance the elaboration and implementation of the respective subregional programme of action.

15. At the regional level, the process of elaborating a regional programme of action for Africa had been initiated in 1998 with the holding of regional workshops to build its basic structure of seven networks. A regional coordination unit would be operational by 1 January 1999 at the latest, and in parallel with it would be a regional facilitation fund.

16. At the interregional level, there was now a forum on implementation of the Convention linking the countries of Africa with those of Latin America and the Caribbean, which had produced a six-point platform for cooperation.

17. At the international level, since African countries were fulfilling their obligations and undertakings, they also expected their bilateral and multilateral partners to do the same by strengthening their financial support. He noted that in June 1998, the Organization of African Unity had offered US\$ 300,000 to finance implementation of the Convention at the regional level. It was hoped that that would encourage development partners to continue with their support in terms of financial contributions.

18. **Mr. Cordeiro** (Brazil) said that, based on the misleading argument that the effectiveness of international efforts to address the issue of climate change would depend on the "meaningful participation and engagement by key developing countries", attempts were once again being made to revive the proposal to establish "voluntary commitments" to reduce emissions by developing countries. The most conspicuous of the many false assumptions lying behind that proposal was that developed countries were taking the lead in fulfilling the objectives of the Framework Convention on Climate Change, and the implication that developing countries were not contributing their share. Nothing could be further from the truth.

19. As a result of a series of fiscal, industrial and technological policies, along with specific programmes for

energy efficiency and conservation, Brazil had not only significantly reduced its rate of deforestation but had also reduced its levels of carbon dioxide emissions, which on a per capita basis were no more than 0.3 tons of carbon per year. That compared with 5 tons in the United States of America, 4.3 tons in the Russian Federation, 3 tons in Japan and 2.5 tons in Europe. In terms of Gross Domestic Product, Brazil's carbon dioxide emissions did not exceed 0.05 tons of carbon per US dollar of output, which was one fifth of the United States figure and one third of that for Europe and Japan.

20. With the approach of the fourth session of the Conference of the Parties it was hoped that a clear indication would emerge as to whether annex I countries would live up to their commitments and effectively take the lead in international efforts to address climate change or whether they would continue to lag behind in those efforts. The clean development mechanism should be given precedence over emission trading and joint implementation among annex I countries. It would allow non-annex I countries to benefit from project activities and at the same time introduce an element of flexibility that would help annex I countries to achieve their reduction targets. It also had the potential to enhance the contribution by non-annex I countries in reducing global warming in a manner consistent with the Convention and also advantageous to all parties. Its success would very much depend on the prior establishment by the annex I countries of strict national regulations limiting their emissions, and on the establishment of a strict set of rules penalizing non-compliance with the emission targets agreed at Kyoto. Credits under the clean development mechanism should accrue only to annex I countries that were capable of demonstrating significant reductions in domestic emissions. Emission reduction targets for annex I countries should be based not on purely political compromise but on objective technical and scientific criteria relating historical emissions to their measured effect in terms of global warming.

21. Brazil attached the highest importance to implementation of the Convention to Combat Desertification. Recent studies had shown that land degradation affected approximately 11 per cent of its national territory, and mostly in an area which was home to the largest and poorest rural population. Desertification in Brazil caused estimated economic losses of US\$ 300 million per year, and it had been established that the cost of reclaiming the affected regions would be close to US\$ 3.8 billion. The Brazilian Government was firmly committed to implementation of its national plan to combat desertification and drought and of the Latin American and Caribbean annex to the Convention. Brazil had offered to host the third session of the Conference of the Parties in August 1999.

22. **Mr. Isakov** (Russian Federation) said that his country was interested in a constructive solution of the problem of global climate change, and was committed to the course set by the General Assembly at its nineteenth special session. The Russian Federation continued to meet in full its obligations under the Framework Convention on Climate Change, and had considerably reduced its level of emission of greenhouse gases as compared with 1990. His Government was working on issues related to ratification of the Kyoto Protocol, and believed that an efficient and fair international system of greenhouse gas emission quotas trading should not impede the sustainable economic development of States parties but should be based on voluntary principles. It should stipulate the parties' right to choose between accumulating unused emission quotas to be realized in the future and using them for trading and attracting foreign investments.

23. Turning to the Convention on Biological Diversity, he welcomed the fact that attention was being paid to the important issue of access to genetic resources and the biological diversity of inland water ecosystems. It was to be hoped that the draft protocol on biological safety would be adopted. The Russian Federation had stepped up its efforts to preserve biological diversity, improving its legal framework and expanding its system of protected areas and conservation of endangered species. However, there remained a fairly large number of problems, chiefly related to the unfavourable financial and economic situation in his country.

24. His delegation reaffirmed its principled interest in accession to the Convention to Combat Desertification and expected that the interests of Central and Eastern Europe would be taken into account and reflected in the additional annex to the Convention. It was ready to cooperate with all the Parties to the Convention in that regard, and was also ready for constructive cooperation within the framework of the Convention.

25. Turning finally to the problem of sustainable development of small island developing States, he pointed to the need to complete work on the vulnerability index for them and to ensure that it was duly taken into account when drawing up the policy of their sustainable development.

26. **Mr. Kolby** (Norway) said it was necessary to ensure policy coherence and synergy among the various legally binding conventions and protocols concerning the environment in order to advance their effective implementation. Although the Conferences of the Parties were autonomous bodies, they should be encouraged to take advantage of the benefits that could result from better coordination. Norway supported UNEP's central role in following up the relevant recommendations, and considered

that the General Assembly could play a useful role which should be further elaborated.

27. He said that the fourth session of the Conference of the Parties to the Framework Convention on Climate Change should result in tangible progress in clarifying principles, rules and guidelines to facilitate the ratification process, including the necessary work on operational elements of the flexibility mechanisms in a way which ensured cost-effective limitation of gas emissions in accordance with the provisions of the Kyoto Protocol. In that regard, it was important that the session finalize as much as possible of the remaining work and establish a clear timetable for tasks which required more time.

28. Turning to the Convention to Combat Desertification, he said that land degradation and food insecurity were first of all problems of poverty, which was frequently a result of a lack of power and control over resources. The Convention's participatory approach was therefore vital. Norway recognized that the poorest and most seriously affected countries, particularly in Africa, would continue to need international assistance in order effectively to combat desertification: more than 50 per cent of Norway's bilateral assistance and a substantial part of its multilateral assistance was already allocated to sub-Saharan Africa.

29. The fourth session of the Conference of the Parties to the Convention on Biodiversity had made good progress in advancing implementation of the provisions with regard to sector-specific work programmes and cross-cutting issues. Norway attached great importance to a successful conclusion of the negotiations on a protocol on biosafety.

30. Much remained to be done to implement the ambitious Programme of Action for the Sustainable Development of Small Island Developing States; insufficient resources, as well as the El Niño phenomenon, had contributed to making its full implementation more difficult. Norway intended to co-sponsor the draft resolution on the El Niño phenomenon.

31. **Mr. Boucher** (Barbados), speaking on behalf of the 32 States of the Alliance of Small Island States (AOSIS), said that with the adoption of the Framework Convention on Climate Change, the international community had affirmed its determination to protect the global climate. There was strong scientific evidence that such interference was already at high and even dangerous levels. The Alliance had repeatedly stressed the dangers its members faced as a consequence of climate change, the most immediate being sea level rise, which had already resulted in shore erosion and saline infiltration of freshwater sources in almost every region. In addition, devastating hurricanes had rampaged through the Caribbean, wiping out in a matter of hours

economic development which had taken some countries years to achieve.

32. The Alliance had expected that the developed countries in particular would move ahead quickly with the necessary domestic actions or "no regrets" measures recommended by the Intergovernmental Panel on Climate Change. Steps to improve efficiency in the use of fossil fuels and develop alternative sources of energy would constitute a good beginning. However, there was resistance even to such a modest approach to reducing waste of natural resources. He viewed with concern the entrenched behaviours in certain quarters which continued to cling to short-term gains and worked to undermine the Convention to the detriment of all.

33. The Kyoto Protocol was an important first step in forging alliances to foster international consensus on needed actions. However, the emission reduction targets it set were completely inadequate; the developed countries could and must do more. At the forthcoming Conference of the Parties, efforts must be made to ensure that the Kyoto Protocol was not watered down. Stepping up the pace of implementation of the Protocol was a matter of priority.

34. As preparations for the special session of the General Assembly to review the Barbados Programme of Action were under way, Alliance members were particularly worried by the current assessment that overall trends with respect to sustainable development were worse than they had been in 1992. It sometimes appeared that the spirit of Rio had virtually disappeared. Since the Rio Conference, the rapid pace of globalization and liberalization had further underscored the vulnerability of small island developing States. The seventh session of the Commission on Sustainable Development would serve as the preparatory committee for the special session and would conduct a comprehensive review of the Barbados Programme of Action. Its focus on ecotourism and oceans would underline two critical pillars for economic development of small island developing States.

35. Alliance members felt that their concern with the challenge posed by vulnerability for their sustainable development was better understood than previously and they welcomed the growing interest in the work on an applicable vulnerability index as an important tool in the analysis of national policies. Members of the Alliance believed in the continued relevance of the Barbados Programme of Action; the forthcoming special session could provide the necessary impetus and support to revitalize that programme and ensure that their goal of sustainable development would become a reality.

36. **Ms. Wensley** (Australia) said that the international community continued to make important advances in creating

institutional mechanisms to deal with major challenges facing the global environment. Its work was made all the more significant through the great progress many countries themselves had achieved in working towards sustainable development on a national and regional basis.

37. Referring to some of the forthcoming key international environment meetings, she said that the fourth Conference of the Parties to the United Nations Framework Convention on Climate Change represented an important opportunity to advance the implementation of the Kyoto Protocol. The flexibility mechanisms provided for were a vital means of ensuring that emissions commitments were implemented at the least possible cost. Devising mechanisms that provided for the most cost-effective outcomes would be critical to the Protocol's success. Another issue central to longer term goals was an effective global response to climate change. Commitments by developed countries would not be sufficient to achieve the ultimate objective of the Convention. It was not a question of evading or avoiding obligations or commitments, it was simply a fact.

38. She paid tribute to the tireless efforts by the Executive Secretary in implementing the Convention to Combat Desertification and looked forward to the positive results of the forthcoming Conference of the Parties in Dakar. The final negotiating session for a biosafety protocol to the Convention on Biological Diversity would deal with the transboundary movement of living genetically modified organisms and their potential effects on biological diversity. It was essential, that the Protocol should deal only with their transboundary movement without attempting to dictate to Parties their domestic management of such organisms. Its procedures must be consistent with multilateral trading rules that had been developed over many years. A workable protocol that assisted Parties to protect their biological diversity while not imposing restrictions on international trade would promote confidence in and shared knowledge of biotechnology and living genetically modified organisms.

39. Australia had continued to support the implementation of the outcomes of the Global Conference on the Sustainable Development of Small Island Developing States and had been closely involved in efforts to further the Barbados Programme of Action in the South Pacific, including through support for the continuing development of the Global Ocean Observing System. It welcomed the opportunity to support preparations for the special session.

40. Her delegation welcomed the report of the Task Force on Environment and Human Settlements. The report of the Secretary-General on ways and means of undertaking the review of progress made in implementing conventions related

to sustainable development (A/53/477) would require careful reflection on the desirability and means of achieving better linkages between the various conventions dealing with global, but distinct, environmental issues.

41. Finally, the seventh session of the Commission on Sustainable Development would consider many things of particular interest to Australia, including oceans, small island developing States and tourism. One of the challenges it would face would be how to establish linkages between those themes. In conclusion, her delegation fully supported the proposal that the Committee should consider the environment conventions in a single omnibus resolution.

42. **Mr. Kebede** (Ethiopia) said that, despite the commitments undertaken at the United Nations Conference on Environment and Development and despite energetic institutional reform, progress had been slow and could not keep pace with new challenges. The international community, therefore, needed to develop additional mechanisms to establish coherent links among existing international environmental conventions.

43. Among the issues which had been considered at that Conference had been the need to conserve biological diversity. Scientific opinion was united in its view that humanity was in the process of squandering an incalculably important resource central to food, health and economic activity. His delegation shared that concern, and was surprised to find that decisions regarding intellectual property rights had major implications for food security, agricultural and rural development and conservation of the environment. The Trade-Related Intellectual Property Rights (TRIPS) Agreement, which defined only the protection of inventions, had formalized the trend to confer private or individual and exclusive rights to intellectual property, while the Convention on Biological Diversity recognized the role of local and indigenous communities in the conservation of biological diversity and considered biological resources as collective property.

44. More than two thirds of all plant species originated in developing countries, and at least 35,000 of them had potential medicinal value. Some of the most commercially attractive enterprises in the international market – pharmaceuticals, cosmetics, seeds and biotechnology – were to a large degree based on biological resources from the South. Yet those materials were often not paid for, being simply gathered and taken away by those with the necessary knowledge. It was ironic that the packages of patented and manipulated biological resources were being sold back to the place of origin as private and exclusive property. There was a widely recognized inequality in the transfer of biological

resources between the developed North and the developing South. From that perspective, his delegation placed great importance on the need to protect the rights of communities to enjoy the fruits of their labour and to benefit from the use of the biological resources they nurtured and from their communal knowledge. The Organization of African Unity, in collaboration with the Environmental Protection Authority of Ethiopia, had organized a workshop on community rights and access to biological resources, and he hoped that the recommendations of that workshop would be given due attention and would be taken into account during the forthcoming renegotiation process of the TRIPS agreement.

45. Turning to the issue of environmental degradation in Ethiopia, he said that changes in climatic patterns coupled with anthropogenic calamities had made almost 73 per cent of the land in Ethiopia vulnerable to drought and desertification. Accordingly, environmental issues and sustainable development were at the top of its development agenda and it had prepared a national conservation strategy, an environmental policy and a land use and forestry action plan.

46. Finally, the dream of transforming the outcomes of Rio into effective action would not come true unless sufficient resources were mobilized. Without international collaboration and support, success in the area of environmental protection would be impossible.

47. **Mr. Shihab** (Maldives) said that his delegation attached great importance to the forthcoming special session to review the Barbados Programme of Action and he hoped that the next session of the Commission on Sustainable Development, which would, in effect, serve as the preparatory committee for the special session, would incorporate the outcome of the forthcoming meeting between the small island developing States and prospective donors into the documentation of the special session. His delegation also attached great importance to the Conference of the Parties to the Framework Convention on Climate Change and the opportunity to negotiate on several new mechanisms established under the Kyoto Protocol.

48. With regard to the question of vulnerability, given the immensity of the potential threat to small island developing States such as the Maldives, his delegation stressed the need for an economic and ecological vulnerability index in order to reflect greater reality and balance in the criteria for the designation of least developed countries. It welcomed the report of the Secretary-General on that subject (A/53/65), which outlined the extensive work already undertaken by the Department of Economic and Social Affairs.

49. For the Maldives, given the scientific proof of global warming, sea level rise and ozone depletion, the threat of extinction were very real. Those on the front lines would have to take the lead in the debate, as it would be the smallest and weakest that would be hit first, followed by the rest of the world. There would be no winners.

50. **Mr. Malkani** (India) noted that some developed countries were not only depleting natural resources but also exporting their dirty industries and harmful chemicals that were banned in their own countries to the poorer countries. The special session of the General Assembly for the purpose of an overall review and appraisal of the implementation of Agenda 21 had recognized that considerable progress had been made at the national level. Many developing countries had set up, at considerable cost to themselves, local versions of Agenda 21. India had elaborated a national conservation strategy and policy statement on environment and development, a national forestry policy and a policy statement on the abatement of pollution. A national action plan for the conservation of biodiversity was currently being debated in Parliament. A broad-based participatory approach, involving all sectors of society and recognizing the crucial role of women, had been taken in developing the national policy on environment. An Environment Authority had been established in order to ensure the transparency of environmental measures and there were plans to create a national mechanism to deal with accidents in connection with the handling of hazardous substances. His delegation was therefore deeply concerned that industrialized countries had not fulfilled their commitments under Agenda 21 and were even attempting to erode the partnership forged at the Rio Conference, particularly the principle of common but differentiated responsibilities, by seeking to impose additional obligations on the developing countries.

51. India would participate actively in the fourth session of the Conference of the Parties to the United Nations Framework Convention on Climate Change. He wished to reiterate that, at their recent meeting in Durban, the Movement of Non-aligned Countries had appealed to developed countries to take action at the domestic level to implement their commitments under the Kyoto Protocol. Emissions trading for the implementation of those commitments could not commence until agreement had been reached on the principles and modalities of such trading, including the initial allocation of emissions entitlements to all countries on an equitable basis. He also reiterated the urgent need for immediate action to provide developing countries with the necessary financial and technological resources and environmentally sound technology in order to

enable them to fulfil their commitments under the Framework Convention.

52. India would also be participating actively in the forthcoming Conference of the Parties to the Convention on Biological Diversity. One issue that must be addressed urgently was the development of proprietary patents based on biodiversity and the traditional knowledge of indigenous communities without the prior informed consent of, or any arrangements to share the benefits with, the developing countries that were the repositories of such biodiversity and knowledge. Effective protection must be guaranteed to indigenous biotechnology, developed over the millennia.

53. Turning to the issue of coherence between the various environmental Conventions, he said that many of the proposals contained in the report of the Secretary-General (A/53/477) required detailed examination. The report raised a number of questions, including questions about the interrelationship between the Commission on Sustainable Development and UNEP. In his delegation's view, the distinctive role played by the Commission and the General Assembly in facilitating holistic consideration of environmental issues and mainstreaming socio-economic concerns should not be overlooked.

54. **Mr. Drayton** (Guyana), speaking on behalf of the member States of the Caribbean Community (CARICOM), said that they attached great importance to the full implementation of the Barbados Declaration and Programme of Action and felt that it was regrettable that relatively few of the projects listed in the report of the Secretary-General (A/53/358) had been successfully implemented. In many cases projects were discontinued after the donor-funded phase owing to a lack of capacity-building at the national and regional levels. At the national level, that could be attributed to limited human resources; project-driven development, resulting in an overly sectoral approach; and a lack of cooperation from the private sector. At the regional level the obstacles included the lack of an integrated approach to project and programme planning, which often resulted in the insufficient mobilization and utilization of resources; the absence of effective information-sharing mechanisms; institutional weaknesses; and limited human and financial resources.

55. In response to those deficiencies, the Community had adopted a declaration in 1997, according top priority to human resource development and stressing the importance of regional institutions and mechanisms. The recent Caribbean Ministerial Meeting on the implementation of the Barbados Programme of Action had recognized that the establishment of a permanent regional implementation

mechanism was crucial to project execution. While recognizing that the small island developing States bore primary responsibility for the implementation of the Programme of Action, a favourable international economic environment and the continued support of development partners were vital. In that connection, she noted that, at the nineteenth special session of the General Assembly, the international community had reaffirmed its commitment to the implementation of the Barbados Programme of Action and acknowledged that national and regional efforts must be supplemented by external assistance, particularly in the areas of infrastructure, capacity-building and the transfer of environmentally sound technology. The Community therefore attached great importance to the forthcoming donors' conference to be held in February 1999 for which it was compiling project portfolios.

56. The Community welcomed the report of the Secretary-General on the development of a vulnerability index for small island developing States (A/53/65) and noted, in particular, the findings of the ad hoc expert group. It was pleased that the World Bank, the International Monetary Fund and the Commonwealth Secretariat had agreed to work together to support a task force for the study of the special circumstances confronting very small economies with a view to formulating a universally acceptable vulnerability index and hoped that the upcoming special session of the General Assembly would witness further progress to that end.

57. The Community was working, both on its own and with its development partners, to provide input to the seventh session of the Commission on Sustainable Development in preparation for that special session. It hoped that the Commission's deliberations on a number of issues of particular relevance to small island developing States, including oceans and seas, sustainable tourism and consumption and production and consumption patterns, would lead to specific outcomes.

58. **Mr. Hili** (Malta) called for a stronger political commitment by all countries and greater cooperation and coordination within the United Nations system to halt the degradation of the world's natural resource base. As a small island State, Malta attached great importance to the Agenda for Development, which highlighted the particular circumstances of small island developing States and the need for international support for their development. His delegation looked forward to the work of the special session of the General Assembly to review the Barbados Programme of Action. It was continuing its own work on the formulation of the vulnerability index for small island developing States, which it considered vital. In the meantime, the transfer of

technology and human resource development were issues of pressing concern to such States.

59. Noting that his delegation had first proposed consideration of the issue of climate change by the United Nations, he urged the international community to accelerate the implementation of the Kyoto Protocol with a view to taking an integrated approach to the stabilization of greenhouse gas levels. Noting that Malta had been among the first signatories of the Kyoto Protocol he invited all States that had not yet done so to accede to it. Of course the Clean Development Mechanism developed under the Kyoto Protocol would not be sufficient to reverse the harmful effects of climate change; the main polluters must take action to reduce their greenhouse gas emissions. His delegation hoped that the fourth session of the Conference of the Parties would bring significant progress to that end.

60. His delegation attached particular importance to the Mediterranean Action Plan coordinated by UNEP. Malta was host to the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea and a member of the Mediterranean Commission for Sustainable Development, whose main purpose was to implement the principles of Agenda 21 in the Mediterranean region. It would also shortly be hosting a meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution, adopted in Barcelona, to be held in October 1999, and, within the framework of the priority action programme, was preparing a coastal zone management plan for the Maltese archipelago.

61. Owing to its size and geographical location, Malta was affected by desertification and land degradation. It had recently ratified the United Nations Convention to Combat Desertification and organized a national awareness seminar on the issue in collaboration with the Convention secretariat. It would also formulate a national action plan and cooperate with other northern Mediterranean countries in that area. His delegation believed that environmental education and information and the participation of the public in decision making were key long-term tools for redressing environmental problems.

62. **Ms. Young-ju Oh** (Republic of Korea) said that being almost entirely dependent on imports for its domestic energy requirements, the Republic of Korea attached the highest priority to energy conservation and the limitation of greenhouse gas emissions, not only from an environmental perspective but as a part of its long-term strategy for sustainable development and energy security.

63. Her delegation welcomed the decisions taken at the fourth session of the Conference of the Parties to the

Convention on Biodiversity and noted that since development of that treaty regime involved such areas as trade and tourism, it would be necessary to consider practical and substantial cooperation with the relevant international organizations. While her delegation supported the adoption of a biosafety protocol at the earliest possible date, it was concerned at the lack of consensus on several substantive issues, and hoped that States parties would make every effort to expedite the negotiation process.

64. Her delegation attached great importance to the close and cooperative relationship between the Convention to Combat Desertification and the other environmental conventions. Early ratification of the Convention by major signatories would be crucial in securing the financial resources needed for its successful implementation. The Republic of Korea was making every effort to speed its own ratification process. Finally, her delegation looked forward to the forthcoming special session to review the implementation of the Barbados Programme of Action.

65. **Mr. Saenz Bolyey** (Costa Rica), speaking on behalf of the Central American countries – Belize, the Dominican Republic, El Salvador, Guatemala, Honduras, Nicaragua, Panama and Costa Rica – said that Central America contained more than 8 per cent of the world's biological diversity, including 33 ecoregions and 20,000 plant species. Panama alone had 925 species of birds and Guatemala, more than 250 species of mammals. With a territory of 511,000 square kilometres and a population of nearly 33 million, Central America was attempting to balance its economic development and the protection of its biological resources. In addition to integrating the Convention on Biological Diversity into their national legislation, the Central American Governments had signed the Central American Alliance for Sustainable Development, with a view to preserving biodiversity through, *inter alia*, the development of ecological zones and protected areas, and had established the Central American Commission on Environment and Development and the Central American Council on Protected Areas. Each country had established a National Commission on Biological Diversity in order to develop strategies and carry out country studies on biodiversity. In addition, the Central American countries and Mexico had established a Central American biodiversity information system.

66. The number of protected areas in Central America had soared from 25 to 415 in just three decades; half of them had been designated within the past 12 years. By far the most important initiative to preserve biodiversity had been the establishment of the Programme for the Central American Biological Corridor by the seven Central American countries and Mexico in 1997. The corridor was a series of

interconnected protected natural areas in which ecologically friendly production and soil use, investment in conservation and the sustainable use of natural resources were promoted. The corridor was being developed at the local, national and regional levels, largely with financing from the Global Environment Facility, and had gained international recognition. Examples of contributions to the corridor included the commitment by Honduras to maintain 10 protected areas along the Atlantic Coast; a Nicaraguan plan to protect biodiversity and to enable its indigenous population to use certain resources in a sustainable manner; an initiative by Belize and Mexico to safeguard the largest coral reef in the western hemisphere; a Guatemalan initiative to preserve its indigenous cultures' knowledge of biodiversity and its archaeological heritage; the consolidation and modernization of biodiversity research facilities in Costa Rica and its adoption of framework legislation on biodiversity; and the conservation of the flora and fauna resources of Darién in Panama.

67. The Central American countries had adopted economic measures to stimulate conservation and the sustainable use of biological resources. However, their efforts must be complemented by new as well as traditional forms of financing on the part of the international community. The biologically poorer countries of the North, in particular, must assume their responsibility towards the preservation of biodiversity in the biologically richer countries of the South.

68. **Mr. Arbel** (Israel) said that Israel had not fully understood the long-term effects of cultivating arid and semi-arid land and it provided an interesting case study of the synergies between the loss of biodiversity, desertification, deforestation and climate change. In Israel, the conversion of rangeland into irrigated croplands had resulted in desertification, which, in turn had led to a loss of plant and animal species and, subsequently, of topsoil and the potential for rehabilitating biodiversity. Such biodiversity losses had further aggravated desertification.

69. The current prediction was that there would be a reduction in soil moisture and aquifer recharge as a result of increased water evaporation. The loss of biodiversity and green areas had aggravated climate change and initiated a vicious cycle of desertification, global warming and further loss of biodiversity. However, unlike the climate system, which could be restored by reducing emissions, or desertified land, which could be reclaimed by rehabilitation, once a plant or animal species was lost it was lost forever. Thus, the predicted warming of Israel could well result in the loss of drought-sensitive species and impair its ecosystem.

70. In Israel, the semi-arid region was the richest in flora and fauna. Semi-arid regions were most prone to desertification but, at the same time, their biodiversity could be crucial to rectifying the effects of climate change. Therefore, the natural habitats of semi-arid belts should be protected from both desertification and uncontrolled agricultural development. In the 1950s, Israel's first prime Minister had claimed: "If we don't conquer the desert, the desert will conquer us". Israel had learned that the cost of conquering the desert was the loss of biodiversity.

The meeting rose at 6.15 p.m.

Annex 599

Summary record of the 36th meeting of the General Assembly held on 24 November
2004, A/C.2/59/SR.36

**General Assembly**

Fifty-ninth session

Official RecordsDistr.: General
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Second Committee**Summary record of the 36th meeting**

Held at Headquarters, New York, on Wednesday, 24 November 2004, at 10 a.m.

Chairman: Mr. Balarezo (Peru)**Contents**

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(b) Special economic assistance to individual countries or regions (*continued*)

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(a) Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006) (*continued*)

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(c) Industrial development cooperation (*continued*)

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(c) International Strategy for Disaster Reduction (*continued*)

(d) Protection of global climate for present and future generations of mankind (*continued*)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of publication* to the Chief of the Official Records Editing Section, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

- (e) Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (*continued*)

Agenda item 86: Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and of the twenty-fifth special session of the General Assembly (*continued*)

Agenda item 91: Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources (*continued*)

The meeting was called to order at 10.35 a.m.

Agenda item 39: Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance (*continued*) (A/C.2/59/L.40 and A/C.2/59/L.44)

(b) Special economic assistance to individual countries or regions (*continued*)

Draft resolution on assistance for humanitarian relief and the economic and social rehabilitation of Somalia (A.C.2/59/L.40)

1. **The Chairman** announced that the Syrian Arab Republic had joined in sponsoring draft resolution A/C.2/59/L.40.

2. **Mr. Abdi** (Somalia), introducing draft resolution A/C.2/59/L.40, said that the conditions that had prompted the General Assembly to adopt previous resolutions on the delivery of emergency humanitarian assistance and the economic and social rehabilitation of Somalia persisted and had been exacerbated by unrest in many areas.

Draft resolution on assistance for the rehabilitation and reconstruction of Liberia (A/C.2/59/L.44)

3. **Mr. Sele** (Liberia) introduced draft resolution A/C.2/59/L.44 and announced that the following countries had joined in sponsoring the draft resolution: Belgium, China, Côte d'Ivoire, Denmark, France, Gambia, Ghana, Guinea, Italy, Japan, Lesotho, Mali, Nigeria, Norway, Portugal, Sierra Leone, United Kingdom of Great Britain and Northern Ireland and United States of America.

4. The following paragraph should be added at the end of the preamble: "*Recognizing* the importance of a thriving private sector, employment generation, good governance and rule of law to sustainable economic growth,".

5. The following text should be added at the end of paragraph 4: "including inter alia by emphasizing capacity-building, institutional building and employment generation in their work and ensuring that such work complements and contributes to development of an economy characterized by an investment climate conducive to entrepreneurship, good governance and rule of law;".

6. The people of Liberia were fully cognizant of their primary responsibility in the reconstruction effort; however, the empathy and forbearance of the international community would continue to serve as a tremendous asset in that effort.

Agenda item 89: Eradication of poverty and other development issues (*continued*) (A/C.2/59/L.47, A/C.2/59/L.48, A/C.2/59/L.49 and A/C.2/59/L.50)

(a) Implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006) (*continued*)

Draft resolution on the role of microcredit in the eradication of poverty (A/C.2/59/L.49)

7. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, introduced draft resolution A/C.2/59/L.49 and said that microcredit had contributed to progress in the achievement of the Millennium Development Goals. The observance of the International Year of Microcredit in 2005 would provide an opportunity for full recognition of best practices and ideas on the wider application of microcredit.

Draft resolution on the implementation of the first United Nations Decade for the Eradication of Poverty (1997-2006) (A/C.2/59/L.50)

8. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, introduced draft resolution A/C.2/59/L.50, and recalled the hope, expressed in paragraph 34, for the annual observance of an International Human Solidarity Day.

(b) Women in development (*continued*)

Draft resolution on the World Survey on the Role of Women in Development (A/C.2/59/L.48)

9. **Ms. Feller** (Mexico), introducing draft resolution A/C.2/59/L.48, said that the Survey was of supreme importance to the international community in identifying and analysing the impact of the role of women in development. She welcomed the current focus on the link between women and migration and urged Member States to follow up on the proposals made by the Survey in that regard.

(c) Industrial development cooperation (*continued*)

Draft resolution on industrial development cooperation (A/C.2/59/L.47)

10. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, introduced draft resolution A/C.2/59/L.47, which, among other things, focused on the critical role of productivity factors and industrial development in poverty alleviation.

Agenda item 92: Training and research (*continued*) (A/C.2/59/L.51)**(a) United Nations Institute for Training and Research** (*continued*)

Draft resolution on the United Nations Institute for Training and Research (A/C.2/59/L.51)

11. **Mr. Al-Mahmoud** (Qatar), speaking on behalf of the Group of 77 and China, introduced draft resolution A/C.2/59/L.51 and stressed the need to resolve the critical financial situation and other issues related to the high costs for Institute premises, especially given the important training programmes and activities carried out by the Institute.

Agenda item 44: Information and communication technologies for development (*continued*) (A/C.2/59/L.18 and A/C.2/59/L.32)

Draft resolution on the World Summit on the Information Society (A/C.2/59/L.32)

12. **Mr. Bernardini** (Italy), Vice-Chairman, introduced draft resolution A/C.2/59/L.32, which he was submitting on the basis of informal consultations held on draft resolution A/C.2/59/L.18. A consensus had been achieved during the informal consultations.

13. **Mr. Snoussi** (Tunisia) pointed out that the text of the draft resolution in French should be revised to match the English text. After the word “*Sommet*”, in paragraph 2, the French translation of the phrase “which will take place in Tunis from 16 to 18 November 2005;” should be added.

14. The following countries had joined in sponsoring draft resolution A/C.2/59/L.32: all members of the Group of 77 and China, Andorra, Canada, Finland, France, Germany, Japan, Luxembourg, Norway, Portugal, Spain, Switzerland, Sweden and Turkey.

15. *Draft resolution A/C.2/59/L.32 was adopted.*

16. *Draft resolution A/C.2/59/L.18 was withdrawn.*

Agenda item 85: Sustainable development (*continued*)**(c) International Strategy for Disaster Reduction** (*continued*)

Draft resolution on the International Strategy for Disaster Reduction (*continued*) (A/C.2/59/L.11 and A/C.2/59/L.45)

17. **Ms. Anzorge** (Poland), Vice-Chairman, introduced draft resolution A/C.2/59/L.45, which she was submitting on the basis of informal consultations held on draft resolution A/C.2/59/L.11.

18. In the fifth preambular paragraph, the word “such” before “extreme” should be moved and placed after the word “events”. In the sixth preambular paragraph, the words “inter alia” should be replaced with “among others”. In the tenth preambular paragraph, the phrase “and mitigation strategies and” should be replaced with “, mitigation,”. In paragraph 4, the words “the International Strategy for Disaster Reduction” should be inserted after “strengthening of” and the words “national platforms” should be spelled with initial capital letters. Similarly, in paragraph 5, the words “International Strategy for Disaster Reduction” should be inserted after “respective”, and the words “national platforms” should be spelled with initial capital letters. In paragraph 7, the word “available” should be moved and inserted between “all” and “resources”.

19. *Draft resolution A/C.2/59/L.45, as orally revised, was adopted.*

20. *Draft resolution A/C.2/59/L.11 was withdrawn.*

(d) Protection of global climate for present and future generations of mankind (*continued*) (A/C.2/59/L.13 and A/C.2/59/L.30)

Draft resolution on protection of global climate for present and future generations of mankind (A/C.2/59/L.13 and A/C.2/59/L.30)

21. **Ms. Anzorge** (Poland) Vice-Chairman, introduced draft resolution A/C.2/59/L.30, which she was submitting on the basis of informal consultations held on draft resolution A/C.2/59/L.13. The words “by

continuing to provide support for” in the eighth preambular paragraph should be replaced by the words “through continuing support to”. In paragraph 7, the word “officers” should be replaced by the word “offices”. At the end of that paragraph, a comma should be inserted between the words “secretariats” and “while”.

22. *Draft resolution A/C.2/59/L.30, as orally revised, was adopted.*

23. **Ms. Tamlyn** (United States of America), speaking in explanation of position, said that her delegation was committed to the objective of the United Nations Framework Convention on Climate Change and to addressing climate change in a science-based, cost-effective manner. The United States had made it clear that it would neither ratify the Kyoto Protocol nor engage in efforts to ensure its entry into force. It therefore considered the ninth preambular paragraph of the text, which recalled a declaration made during the Millennium Summit of September 2000, to have been overtaken by changed policies and circumstances.

24. **Ms. Eizema** (Netherlands), speaking on behalf of the European Union, Albania, Bulgaria, Croatia, Norway, Romania, Serbia and Montenegro and the former Yugoslav Republic of Macedonia, welcomed the adoption of the draft resolution and the Russian Federation’s recent ratification of the Kyoto Protocol, paving the way for the Protocol’s entry into force. The Kyoto Protocol would provide an additional legal basis for international efforts to address climate change, and the European Union looked forward to a successful outcome of the tenth Conference of the Parties to the United Nations Framework Convention on Climate Change. The European Union was committed to achieving concrete results, notably on joint implementation and clean development mechanism agreements. The third climate change assessment had revealed that climate change was indeed real and occurring more quickly than originally thought. That alarming trend had recently been further confirmed by the Arctic Climate Impact Assessment. Indeed, addressing that first comprehensive regional study on climate change would be a main priority for the European Union in 2005. She urged all those States that had not yet done so to ratify the Kyoto Protocol in a timely manner.

25. **Ms. Woudberg** (New Zealand) welcomed the recent ratification of the Kyoto Protocol by the Russian Federation, paving the way for the Protocol to come into force in early 2005. That would be a small but significant first step in the long but challenging process by the international community to address climate change. More work clearly needed to be done and her delegation intended to make a constructive contribution to the discussions on the next steps, beginning with the tenth Conference of the Parties to the United Nations Framework Convention on Climate Change in December 2004 and the January 2005 International Meeting in Mauritius to review the Barbados Programme of Action on small island developing States.

26. *Draft resolution A/C.2/59/L.13 was withdrawn.*

(e) Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa
(continued)

Draft resolutions on the implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa (A/C.2/59/L.14 and A/C.2/59/L.46)

27. **Ms. Anzorge** (Poland), Vice-Chairman, introduced draft resolution A/C.2/59/L.46, which she was submitting on the basis of informal consultations held on draft resolution A/C.2/59/L.14.

28. *Draft resolution A/C.2/59/L.46 was adopted.*

29. *Draft resolution A/C.2/59/L.14 was withdrawn.*

Agenda item 86: Implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and of the twenty-fifth special session of the General Assembly (continued)
(A/C.2/59/L.5 and A/C.2/59/L.38)

Draft resolutions on the implementation of the outcome of the United Nations Conference on Human Settlements (Habitat II) and strengthening of the United Nations Human Settlements Programme (UN-Habitat) (A/C.2/59/L.5 and A/C.2/59/L.38)

30. **Ms. Anzorge** (Poland), Vice-Chairman, introduced draft resolution A/C.2/59/L.38, which she

was submitting on the basis of informal consultations held on draft resolution A/C.2/59/L.5. In paragraph 7, the words “UN-Habitat” should be inserted before the words “regional offices”. In paragraph 21, the word “it” should be replaced by the words “the General Assembly”.

31. **Mr. Seth** (Secretary of the Committee), explaining the programme budget implications of draft resolution A/C.2/59/L.38, noted that paragraph 9 requested the Secretary-General to keep the resource needs of UN-Habitat and the United Nations Office at Nairobi under review so as to permit the delivery, in an effective manner, of necessary services to UN-Habitat and the other United Nations organs and organizations in Nairobi. Provisions had been made in the programme budget for the biennium 2004-2005 for implementing the terms of the resolution. Therefore, should the Second Committee adopt draft resolution A/C.2/59/L.38, there would be no requirement for additional appropriation, as the necessary expenses would be accommodated within existing resources. He drew attention to the provisions of section VI of General Assembly resolution 45/248 B of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters and also reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions.

32. *Draft resolution A/C.2/59/L.38, as orally revised, was adopted.*

33. *Draft resolution A/C.2/59/L.5 was withdrawn.*

Agenda item 91: Permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources (continued) (A/C.2/59/L.41)

Draft resolution on permanent sovereignty of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources (A/C.2/59/L.41)

34. **Mr. Elfarnawany** (Egypt) introduced the draft resolution on behalf of the sponsors and noted that the seventh preambular paragraph should read “*Recalling* the advisory opinion rendered on 9 July 2004 by the

International Court of Justice on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, and recalling resolution ES-10/15 of 20 July 2004.”.

35. **Ms. Chong** (Brunei Darussalam), **Ms. Navarro** (Cuba) and **Mr. Barry** (Senegal) said that their delegations had become sponsors of the draft resolution.

36. **The Chairman** said that the United States delegation had requested a recorded vote on draft resolution A/C.2/59/L.41.

37. *A recorded vote was taken on draft resolution A/C.2/59/L.41.*

In favour:

Afghanistan, Algeria, Andorra, Angola, Argentina, Armenia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Canada, Central African Republic, Chile, China, Colombia, Congo, Costa Rica, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Finland, France, Gabon, Germany, Ghana, Greece, Guatemala, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia and Montenegro, Singapore, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland,

United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Israel, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Albania, Australia, Cameroon, Côte d'Ivoire, Dominican Republic, Haiti, Tuvalu, Vanuatu.

remained committed, in close cooperation with its partners in the Quartet and in the Arab world, to assisting the Parties in their efforts to find a final settlement to the Middle East conflict. Therefore, the resolution just adopted must not be considered as prejudicial to or preemptive of the outcome of those negotiations.

The meeting rose at 12.05 p.m.

38. *Draft resolution A/C.2/59/L.41 was adopted by 140 votes to 4 with 8 abstentions.*

39. **Ms. Sindbjerg** (Denmark) pointed out that her delegation's vote in favour of the draft resolution had not been recorded.

40. **Mr. Leu** (Republic of Moldova) said that his delegation had intended to vote in favour of the draft resolution.

41. **Mr. Toktomushev** (Kyrgyzstan) said that his delegation had intended to vote in favour of the draft resolution.

42. **Mr. Boureima** (Niger) said that, had his delegation been present, it would have voted in favour of the draft resolution.

43. **Mr. Manis** (Sudan) said that, had his delegation been present, it would have voted in favour of the draft resolution.

44. **Mr. Van Loosdrecht** (Netherlands), speaking on behalf of the European Union, Bosnia and Herzegovina, Bulgaria, Croatia, Iceland, Liechtenstein, Norway, Romania, Serbia and Montenegro, the former Yugoslav Republic of Macedonia and Turkey, said that the European Union had voted in favour of draft resolution A/C.2/59/L.41 because it believed that the natural resources of any territory seized by force or arms should not be used inappropriately or illegally by the occupying Power. In that regard, the European Union reaffirmed the applicability of the Fourth Geneva Convention of 1941 to the Occupied Territories and also reaffirmed that any infringement of the rights of the Palestinian people with regard to that Convention was illegal.

45. However, the issues referred to in the resolution were matters which were to be addressed within the framework of the permanent status negotiations of the Middle East Peace Process. The European Union

Annex 600

Official records of the 84th meeting of the General Assembly held on 13 February
2008, A/62/PV.84



General Assembly

Sixty-second session

84th plenary meeting

Wednesday, 13 February 2008, 6 p.m.
New York

Official Records

President: Mr. Kerim (The former Yugoslav Republic of Macedonia)

In the absence of the President, Mr. Hannesson (Iceland), Vice-President, took the Chair.

The meeting was called to order at 6 p.m.

Thematic debate entitled “Addressing climate change: The United Nations and the world at work”

Agenda items 48, 54 and 116 (continued)

Integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic, social and related fields

Sustainable development

Follow-up to the outcome of the Millennium Summit

Report of the Secretary-General (A/62/644)

The Acting President: I now give the floor to the representative of Norway.

Mr. Hirsch (Norway): I am delivering this statement on behalf of Ambassador Juul, who had to attend to another matter at this very moment. Let me assure you, Mr. President, that this does not in any way reflect the priority that Norway gives to the issue of climate change, which is at the top of our, as well as the global, agenda.

“The reports of the Intergovernmental Panel on Climate Change (IPCC) have given us the facts, but we can also see them clearly with our own eyes.

“Norway sees this clearly in the Arctic, where ice is now melting three times faster than expected. Furthermore, the extent of the Arctic Sea ice was at a record low last year. The same tendencies can be seen in the Himalayas and elsewhere. Since ice reflects heat while water absorbs it, the melting of ice is a self-reinforcing process that will further accelerate global warming. The melting of the Arctic ice cover will have ramifications for the climate in regions thousands of kilometres away. For example, it is likely that Asian monsoons, crucial for the livelihoods of millions of people, will be affected.

“As many speakers before have already mentioned, we need action now.

“It is a positive factor that we agreed on the Bali Plan of Action, even though we feel we were not ambitious enough. A global agreement on climate change has to have a common vision that matches the scale of the challenge. Norway agrees with the European Union that to avoid dangerous climate change, global temperatures must rise no more than two degrees above the pre-industrial levels. According to the IPCC, that means that global emissions must peak no later than 2015 and must be reduced at least by half, compared to 2000 levels, no later than 2050.

“Industrialized nations such as Norway and the United States have to have cut emissions by 25 to 40 per cent by 2020. We recognize,

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however, that what is most important is that we now need to work together and bridge our differences in order to tackle the significant challenges ahead.

“The fact that the greatest burden of global warming will be on the poor, who have the least responsibility for the current state of affairs, also makes climate change a central issue of justice and ethics in world politics today. Industrialized countries therefore need to take the lead in the efforts to tackle climate change, but all countries must be on board and do what they can in accordance with their capabilities.

“The Norwegian Government is ready to play its part and has therefore decided to cut global emissions by an amount equivalent to 100 per cent of our own emissions by 2030. That way, Norway will become a carbon-neutral nation. Norway believes that being a big exporter of oil and gas gives us a particular responsibility to provide a more climate-friendly option for using fossil fuels, including coal, during the transition to a low-carbon energy system.

“According to the International Energy Agency, the use of carbon capture and storage in the industrial, fuel transformation and power generation sectors can account for 20 to 28 per cent of the CO₂ emissions savings. Norway is therefore strongly committed to developing carbon capture and storage technologies. Hopefully, our efforts will contribute to making that technology commercially viable at a global scale.

“Furthermore, Norway also recognizes the need to bring emissions from deforestation and forest degradation to a halt and has decided to support forestry efforts in this context with more than \$500 million annually. Through effective measures against deforestation, we can achieve large cuts in greenhouse gas emissions quickly and at a low cost.

“We welcome the significant developments at Bali on the need to bring reduced emissions from deforestation and forest degradation seriously into the negotiations for a post-2012 agreement. This is a difficult sector to tackle, and a comprehensive effort with close cooperation

among all parties involved will be necessary to meet all the challenges we face.

“The world cannot choose between development and environment. We need both. In fact, without tackling the problem of climate change, development will be harder to achieve and definitely more costly. Sustainable development will therefore be a key factor. So will developing mechanisms that reward environment-friendly practices. We will also need a major push for new technologies. Rapid technological progress, as well as the rapid transfer of technology, is vital for achieving sustainable development.

“Let me also take this opportunity to welcome the report of the Secretary-General (A/62/644), which gives a useful overview of the activities of the United Nations. I can see from the report that many things are being done at both the local and global levels, but the report also underlines the need for the United Nations to streamline its efforts.

“The Executive Secretary of the United Nations Framework Convention on Climate Change, Yvo de Boer, has talked about the need for a ‘Climate Change Marshall Plan’. I agree with this idea and the principles behind it, but in this respect it will be important first that the United Nations can deliver as one and, secondly, that it can coordinate and cooperate with international financial institutions, as well as donor and programme countries, so that a ‘Climate Change Marshall Plan’ can deliver results effectively.”

The Acting President: I now give the floor to Mr. Jeem Lippwe, Deputy Permanent Representative of the Federated States of Micronesia.

Mr. Lippwe (Federated States of Micronesia): I wish to express my appreciation to the President of the General Assembly for organizing this meeting to discuss the important issue of climate change. It is not only fitting, but indeed appropriate that we do this.

The *Human Development Report 2007/2008* addressed the clear link between human development and climate change. In recent years, the people of Micronesia have had to witness the consequences associated with climate change. More intense storms

with higher wind speeds, higher tides and wave surges have damaged our subsistence agriculture and fishing, as well as endemic marine and terrestrial species, including coral reefs. Increasingly, extreme weather conditions lead to droughts, destroyed crops, contaminated wells, eroding beaches and unprecedented land slides. These effects pose a great threat to my country's culture, livelihood and sustainable development.

If climate change continues at this pace, we might be forced to abandon our islands. Relocation is already happening in several Pacific islands, including my own. That clearly shows that small island States, which have contributed little to the causes of climate change, are the ones now suffering the most. Their inhabitants are strongly affected by climatic disasters, and are therefore victims of the effects created by the intimate relationship between poverty and exposure to climate risks.

The latest Human Development Report traces climate-related risks to the energy consumption patterns and political choices of the major emitters. We therefore ask those who pollute the most to take responsibility and underwrite the cost of adaptation in developing States, particularly in small island developing States.

Fighting the consequences of climate change leads to a growing dependence on technical and financial support from partners. How can countries like ours, which are so reliant on the environment, improve their current situation if there exists so little international cooperation on the issues of mitigation and adaptation?

Micronesia has already adopted mitigation and adaptation measures in its infrastructure and strategic development plans — for example, initiatives that protect mangrove areas and coastal beaches and climate-proofing procedures for infrastructure. But the truth is that that is as much as we can do given our financial resources. What opportunities does a small island developing State like Micronesia have? Being a federation of islands, situated only a few metres above sea level, how can we defend ourselves against rising sea levels? One possible solution — to build sea walls around every island in Micronesia — would not only mean a huge investment, but it would also be impractical.

Investing in renewable sources of clean energy in vulnerable countries will help us to meet our energy needs and combat climate change. Support for development and the utilization and distribution of renewable energy technologies to small island developing States is necessary. In order to facilitate that, it is important to mainstream the Mauritius Strategy into all United Nations processes.

As climate change progresses, basic human rights — such as the right to food, the right to safe water, the right to education, health and development and the right to exist — are in danger, especially for small island developing States. The effects of climate change will slowly remove basic human rights from society. The United Nations must address those interrelations.

Article 3 of the Universal Declaration of Human Rights declares that “Everyone has the right to life, liberty and security of person”. Not to act on the threats climate change imposes on us would lead to a violation of those universal human rights. Forcing inhabitants to leave their ancestral homelands because of changes to the climate caused by other nations would certainly qualify as a violation of article 3.

I want to emphasize that we are all responsible for the future of planet Earth. Engaging actively in the prevention of climate change is a moral obligation that all should be willing to fulfil. The attention paid to climate change worldwide is a step in the right direction. But what we all need to do is to collectively find a way to prevent further damage to the planet for future generations through cooperation and communication. I know this debate is part of that process.

The Acting President: I now give the floor to Ms. Melanie Santizo-Sandoval, the representative of Guatemala.

Ms. Santizo-Sandoval (Guatemala) (*spoke in Spanish*): My delegation is grateful for this renewed opportunity to delve into the issue of climate change, especially as it pertains to the United Nations system. Before we do so, I should like to associate Guatemala with the statement delivered by Ambassador Ashe of Antigua and Barbuda on behalf of the Group of 77 and China.

Instead of once again reiterating what Guatemala and the Central American subregion have suffered as a

result of the devastating effects of this phenomenon, my delegation would like to focus on what the future holds for us as a Latin American country in our struggle to address this problem.

As pointed out by a recent report by the United Nations Environment Programme, the Latin American and Caribbean region as a whole only produces 5 per cent of the world's greenhouse gases. Nevertheless, we face a disproportionate series of threats resulting from the negative effects of climate change and global warming. In the past 12 years, the region has experienced historically high temperatures, natural disasters and desertification — all of which affect and hamper our economic and social development. Our ongoing efforts to eradicate poverty are becoming even more of an uphill struggle.

The efforts of the United Nations system, and any partnership established with the private sector or civil society to be implemented at the local or national level, should of course serve to support the United Nations Framework Convention on Climate Change. Today's thematic debate is an opportunity to identify ways to more effectively support the Convention. As we meet to focus on the roles of the United Nations system and partnerships vis-à-vis climate change, we must not forget that Member States themselves have an arduous task ahead.

With the recent conclusion of the thirteenth session of the Conference of the Parties to the Framework Convention, we now have some good news — for example, the Bali Road Map, the decisions taken with regard to deforestation and the operationalization of the Adaptation Fund. Nevertheless, the negotiations were not easy. The agreements reached are merely the beginning of a more demanding negotiating process — one that will require genuine compromise and the search for serious solutions.

I should like to say once again that the Framework Convention is the appropriate forum to address climate change. The adoption of the Bali Road Map was in effect merely a courageous decision to launch a complicated process. At the end of April, the working groups that were recently established will begin their work. The battle to defeat climate change has barely begun.

In that regard, among other things, my delegation would like to underscore the importance of finally

beginning to address the issue of deforestation in a more comprehensive manner within the framework of the Convention. We must not forget that protecting forests should benefit all those involved — those of us who will benefit from conserving them as well as the peoples who depend on forests for their development and well-being. Finding solutions to such dilemmas will be challenging.

With regard to developing countries, we are working to adapt to climate change. As we said during last September's high-level event on climate change, given Central America's special vulnerability to climate change, a summit of the region's Presidents will be held in Honduras in April 2008 to discuss climate change and the environment. The summit will consider a Central American climate change and environment strategy that integrates efforts to improve information with a regional adaptation plan, together with a programme aimed at promoting the establishment of a new economic sector for climate-friendly goods and services.

As we in developing countries make efforts to adapt to climate change, annex I developed countries have unavoidable commitments in the areas of emissions reduction, technology transfer and financing that they should meet, instead of making them part of their rhetoric or trying to modify or renegotiate them every time we have a debate, a dialogue or a negotiation in the context of the Convention.

On the global level, the thirteenth session of the Conference of the Parties has charted the path ahead of us. My delegation hopes that, throughout this debate and in subsequent meetings on climate change, there will be real progress towards meeting commitments and establishing agreements that truly reflect the fact that we have common but differentiated responsibilities with regard to climate change.

The Acting President: I now give the floor to Mr. Tirtha Raj Wagle, representative of Nepal.

Mr. Wagle (Nepal): At the outset, allow me to express my delegation's appreciation to the President for convening this debate on climate change. We also thank the Secretary-General for his useful reports which provide us an overview of the United Nations environment activities. My delegation is confident that this debate will help accelerate the constructive momentum generated by the Bali Road Map since its adoption last December.

Let me also associate my delegation with the statements made by Antigua and Barbuda on behalf of the Group of 77 and China and by Bangladesh on behalf of the Group of Least Developed Countries (LDCs).

It is an irony that the LDCs and small island developing States, which are least responsible for greenhouse gas emissions, are bearing the brunt of the effects of global climate change. These countries are struggling to eradicate poverty, while their scarce resources, meant for development, are swallowed up by unforeseen expenditures as climatic calamities increase unabated along the way.

We cannot overemphasize the importance of partnership and cooperation among government authorities, the United Nations, development agencies, non-governmental organizations (NGOs), civil society and the business community in creating a sustainable climate future. We need to galvanize common efforts under the United Nations Framework Convention on Climate Change, by sincerely fulfilling the obligations and commitments made in accordance with the principle of "common but differentiated responsibilities and respective capabilities".

Nepal is serious about addressing climate change. We have incorporated a climate change perspective in our national development strategies and country-specific priorities. The expansion of alternate and renewable energy sources has been encouraged. Successful community forestry development programmes and programmes introducing household biogas plants for cleaner domestic lighting and cooking have been carried out with the cooperation of NGOs.

These initiatives have brought social and environmental benefits to rural areas and have effectively contributed to environmental sustainability by steering us onto a cleaner energy path, ending deforestation, encouraging afforestation and preserving biodiversity. We need to foster such local environmental efforts through increased technical support.

As a country with snow-capped mountains and over 2,300 glacial lakes in the Himalayan region, Nepal is dangerously exposed to glacial lake outburst floods due to snow melting and the unforeseen consequences to the people living downstream.

The depletion of Himalayan glaciers means reduced water resources for one fifth of humankind. It will have a detrimental effect on our hydropower potential and agricultural production. Furthermore, it will cause the failure of sustainable mountain tourism efforts.

The urgent adaptation needs of poor and vulnerable countries like Nepal should be addressed before it is too late to avert irreversible damage to human development potential.

We underscore the importance of scientific information and public awareness to improve early warning capacity as well as to build resilience and preparedness in vulnerable communities. In this regard, we urge the international community to support the establishment of a research centre in Nepal with a view to facilitating the scientific assessment of climate change in the Himalayas and adaptation to it.

Nepal appreciates the effective role of the United Nations for adaptation and mitigation efforts at the country level. We emphasize that greater attention should be given to the question of providing sustained, swift and substantial financial and technical assistance to the LDCs, poor mountainous countries and small island developing States.

It is equally imperative that the Global Environmental Facility and its implementing agencies be more proactive in operationalizing technical and funding resources, including the Least Developed Countries Fund. Procedural aspects or any other technicalities should be simplified so as to ensure efficient implementation of national adaptation programmes of action.

Similarly, the clean development mechanism under the Kyoto Protocol should be made more inclusive and should cover small-scale environmental conservation projects at the local level, thereby bringing social and environmental benefits to poor people while promoting low-carbon investments.

Thanks to the scientific evidence presented by the Intergovernmental Panel on Climate Change and recent studies on the economics of climate change, and thanks to the placing of climate change at the top of the global agenda, we are all now aware that we cannot afford the cost of inaction.

The international community should stay focused, linking the climate change issue to a sustainable

development agenda and paying special attention to the creation of human development opportunities for poor countries and vulnerable communities.

In closing, let me reiterate that there is no other option but to immediately draw up a concrete multilateral action plan with binding targets on greenhouse gas emissions and a built-in monitoring mechanism. The need to make technological solutions affordable and readily transferable from developed to developing countries is more pressing than ever, as is the need to generate new, additional and predictable financial and technical resources for immediate adaptation and investment in a sustainable development infrastructure.

My delegation is committed to working in concert towards the timely achievement of an ambitious framework for a post-2012 Kyoto world.

The Acting President: I now give the floor to Mr. Sirodjidin M. Aslov, Permanent Representative of Tajikistan.

Mr. Aslov (Tajikistan) (*spoke in Russian*): First of all, I would like to express our appreciation to the President for organizing today's thematic debate on climate change. I also wish to avail myself of this opportunity to express my delegation's gratitude to the Secretary-General, Mr. Ban Ki-moon, for his tireless efforts in advancing the issue of climate change, thanks to which it has risen to the very top of the United Nations agenda.

Last year, as a result of these particular efforts, States and international organizations attended the thirteenth session of the Conference of the Parties, which culminated in the Bali Action Plan and the definition of a strategic framework for near-term cooperative efforts in the areas of adaptation, mitigation, technology and financing.

I shall confine my remarks to adaptation. As was affirmed during the High-level Event on Climate Change in September 2007, adaptation has become inevitable, given the ongoing climate changes.

Vivid proof of this statement is the current unfavourable weather conditions faced by my country. In January and February in Tajikistan's valleys, the temperature dropped as low as minus 18 to minus 23 degrees Celsius, which is 8 to 13 degrees lower than usual. This severe cold was followed by heavy snowstorms.

For the past 50 years our weather records have never registered such an extremely cold winter. As a consequence of this cold, rivers were frozen and numerous pumps and water supply networks were damaged. This actually caused an energy crisis, as a result of which the work of a great number of industrial enterprises was suspended. Almost all winter crops were affected, and severe damage was done to fruit trees, vineyards and the like. The estimated economic damage amounted to several hundred million dollars.

I would like to take this opportunity to express our gratitude to the United Nations, the United Nations Development Fund, the World Bank, the World Food Programme and various specialized agencies, as well as to a number of Member States, for the assistance and support given to my country.

We support the thesis that climate change and development are inseparable elements of a common agenda — sustainable development, which is based on three components: economic development, social development and environmental protection.

In that connection, we also believe that another very important component deserves to be specifically addressed — a component without which life on Earth cannot be sustained: water. It is common knowledge that the shaping of climate and the emergence of life are closely connected to this natural resource, which, like the climate itself, must be treated with care. Some areas of our planet are already experiencing chronic shortages of drinking water. Against the background of the ever-increasing effects of climate change, particularly in the dry regions of our planet, the issues of supplying the population with drinking water and developing the many water-dependent economic sectors are becoming increasingly urgent.

A unique natural resource, water is used by humanity for drinking, producing food, manufacturing goods and generating alternative forms of electric energy, which in turn are essential for the success of our efforts to achieve the Millennium Development Goals (MDGs), to provide access to electric energy and, ultimately, to achieve sustainable development.

For that reason, we believe it is important to accord special attention to the issues related to water supply and to hold a high-level event or convene a special session of the General Assembly on those issues with a view to discussing current progress, adopting specific measures aimed at achieving the

MDGs and implementing the International Decade for Action, "Water for Life", and the International Year of Sanitation.

Finally, I should like briefly to discuss another aspect of climate change: natural disasters, which have been occurring more frequently and on a larger scale in recent years. Water-related disasters account for the majority of natural disasters throughout the world. Floods, mud flows, landslides, droughts and other water-related disasters have a considerable impact on the well-being of countries. According to the Intergovernmental Panel on Climate Change, the current trends are likely to produce an even worse scenario, because the scale and frequency of floods and droughts could increase in the twenty-first century as a result of climate change. Moreover, the losses caused by natural disasters are more severe in developing countries than in industrial nations.

We call for enhanced cooperation among Member States and international organizations in this area. To that end, the Government of the Republic of Tajikistan has decided to make a practical contribution to this cause by holding an international conference on water-related disaster reduction in Dushanbe on 27 and 28 June 2008. We hope that the United Nations and its specialized agencies, as well as Member States, will participate actively in the Dushanbe conference.

The Acting President: I now call on Mr. Bature Lawal, representative of Nigeria.

Mr. Lawal (Nigeria): On behalf of the Nigerian delegation, I wish to commend Mr. Srgjan Kerim, President of the General Assembly, for once again convening a thematic debate to address what the Secretary-General has aptly described as the defining issue of our time. This debate is indeed timely, as it affords the international community the opportunity to evaluate and maintain the momentum of the success recorded at Bali.

My delegation associates itself with the statements made by the representative of Cameroon on behalf of the African Group and by the representative of Antigua and Barbuda on behalf of the Group of 77 and China.

Nigeria welcomes the Bali Road Map, which has set the stage for the establishment of a comprehensive and all-inclusive post-2012 climate change regime. The Road Map has thus rekindled hope not only that

negotiations will be advanced, but also that action will be taken on the key issues of adaptation, mitigation, financing, technology and deforestation.

The report of the Secretary-General (A/62/644) offered useful insights into how the United Nations system can assist in addressing climate change. Nigeria, as a strong advocate of global partnerships, is convinced that measures to address climate change should be taken within the United Nations framework. In our view, the daunting challenge facing developing countries is how to address climate change without compromising or impeding the implementation of the development agenda of those countries — particularly the achievement of internationally agreed goals, including the Millennium Development Goals. In that respect, measures to address climate change and sustainable development strategies should be mutually reinforcing.

We believe that the United Nations system is uniquely placed to facilitate the implementation of the commitments set out in the United Nations Framework Convention on Climate Change and its Kyoto Protocol, particularly the commitments of the developed countries to reduce emissions and to support developing countries with the requisite technology and financing for addressing climate change.

Similarly, the United Nations system could assist developing countries in promoting the use of new and renewable forms of energy, such as solar power and wind energy, at an affordable cost and in promoting research on drought-resistant and saline-tolerant crops. However, we urge caution with regard to the production of biofuels in areas where it could threaten food security. We continue to draw attention to Lake Chad, which is drying up rapidly as a result of climate change, and reiterate our appeal to the international community, and particularly the United Nations system, to complement the efforts of African countries to reverse that trend.

Another important matter in addressing climate change is the promotion of clean energy technology, especially as it relates to the carbon market and to carbon capture and storage. However, these involve highly complex and technical terminologies that are not well understood by the layperson. Moreover, many countries are wary about the safety of carbon capture and storage technology. It would therefore behove the United Nations system, using its global outreach, to

launch a sustained public enlightenment campaign aimed at explaining the relevant mechanisms and allaying the fears of some developing countries as to the safety and viability of carbon capture and storage technology.

One serious impediment to the transfer of new and renewable technologies to developing countries is the issue of intellectual property rights. In that respect, we suggest that, just as we facilitated the Aid for Trade Initiative, we facilitate aid-for-technology transfer, in the form of incentives offered by developed countries to their multinational companies to make the use of patented technologies affordable for developing countries. The United Nations system could also play a vital role in taking stock of the technologies that are in the public domain, free of charge, and making such technologies available to developing countries. We also support the idea of setting up a monitoring mechanism to regularly assess the implementation of the developed countries' obligations on technology transfer.

One important initiative that could be vigorously promoted by the United Nations system is the Strategic Investment Program for Sustainable Land Management in Sub-Saharan Africa, which is being coordinated by the Global Environment Facility and the African Ministerial Conference on the Environment. Through that initiative, about \$1 billion was to be raised to rehabilitate damaged and degraded lands and to prevent new land degradation. One key aspect of the initiative is the provision of funds, expertise and know-how directly to grass-roots organizations, local communities and farmers to combat land degradation. It is pertinent therefore for all the relevant United Nations agencies to work in a coordinated manner to ensure the success of that laudable initiative in Africa.

In a similar vein, we call on the United Nations agencies to redouble their efforts in assisting African countries to garner an equitable share of clean development mechanism projects through the Nairobi Framework.

Finally, we hope the upcoming negotiation process in Poland and Copenhagen will be transparent and all-inclusive, devoid of the selectiveness that was occasionally witnessed in Bali, and will, in line with the Bali Road Map, produce the desired results by the target date of 2009.

The Acting President: I now give the floor to Mr. Alpha Ibrahima Sow, Permanent Representative of Guinea.

Mr. Sow (Guinea) (spoke in French): I wish, on behalf of the Republic of Guinea, to express our full appreciation for the President's welcome initiative in holding this thematic debate of the General Assembly on climate change. I also wish to congratulate the Secretary-General, His Excellency Mr. Ban Ki-moon, for his report (A/62/644), which provides an exhaustive overview of the work carried out by the United Nations system on climate change.

I wish to associate myself with the statements, at the 80th meeting by Antigua and Barbuda on behalf of the Group of 77 and China, and at the 81st meeting by Bangladesh on behalf of the least developed countries and by Cameroon on behalf of the African Group.

In placing climate change at the centre of the political agenda, the international community reaffirms its determination to meet this urgent and critical global challenge, which calls for both individual and collective responses. In the general debate of September 2007 and the high-level meeting convened by the Secretary-General and supported by the impetus of the Bali objectives and Road Map, the General Assembly provides an irreplaceable framework for action and cooperation on the multilateral level to promote the fruitful negotiation of an international regime on climate change for the period after 2012.

My country welcomes the laudable results of the Bali conference, which succeeded in launching negotiations on climate change in order to reach a general global agreement before the end of 2009.

For the Republic of Guinea, climate change constitutes a challenge to both peace and security and to sustainable development. Rapidly advancing global warming is seriously affecting my country and the region, with considerable consequences in terms of environmental disruption, desertification and effects on natural and water resources. Without multiplying the alarmist, well-known and recognized examples, I can emphasize that if nothing is done right away, our region could be condemned to destitution and poverty, with no real hope of attaining the Millennium Development Goals by the planned date.

In that context, we welcome the active participation of the least developed countries and the

Group of 77 in the Bali negotiations and support the international community's focus on areas of concrete action, namely mitigation, adaptation, capacity-building, technology and financing, sustainable development, et cetera. After Bali, the world needs clear and firm commitments and, above all, action, because the efforts undertaken thus far remain insufficient, even given the modest promises made and what is at stake.

As the President has emphasized, the current debate cannot replace the negotiations launched in Bali, but it could influence the process by encouraging, in a coordinated and effective manner, partnership on all levels — national, regional and global — among Member States, the United Nations system and other participants, including the private sector, civil society, financial institutions, universities, scientists and researchers, et cetera. My country welcomes the inclusive participation of all actors in the area of climate change and development in this current debate. We hope to see the gradual establishment of a global agreement in accordance with the principle of shared but differentiated responsibilities.

We also recall the urgent need to fully mobilize the necessary financial, technical and institutional tools expected under the Bali framework convention, to strengthen the capacity for adaptation of the poorest and most vulnerable countries to the harmful — and often catastrophic and unforeseeable — effects of climate change. In that context, we must undertake to make the Nairobi Framework plan operational, in order to ensure the participation of developing countries in the development mechanism itself.

My country welcomes the launching of numerous national, bilateral and multilateral initiatives to improve the living conditions of populations and to reduce poverty and marginalization while taking the environment into consideration. We therefore express our gratitude to all the countries and partners that have made concrete, measurable and targeted commitments to support in practical terms the efforts of the developing countries in confronting climate change.

Allow me to conclude by quoting the President's words, which were inspired by his resolute commitment to the fight against climate change, which we share.

“What we need is a common vision, a global consensus and a global alliance for action,

shared by individuals, the media, lawmakers, business leaders, Governments, regional organizations and, ultimately, the global community embodied in the United Nations. Only then will we have a chance to tackle this enormous challenge to our way of life.”

The Acting President: I give the floor next to Ms. Paulette Bethel, Permanent Representative of the Bahamas.

Ms. Bethel (Bahamas): At the outset, the Bahamas would like to align itself with the statements made at the 80th meeting by Antigua and Barbuda on behalf of the Group of 77 and China, and at the 81st meeting by Grenada on behalf of the Alliance of Small Island States, and Barbados on behalf of the Caribbean Community. The Bahamas also welcomes the convening of this debate, finding the subject matter particularly topical, and would like to take this opportunity to add a few comments from a national perspective.

We all acknowledge the import of the Fourth Assessment Report of the Intergovernmental Panel on Climate Change and its conclusion that climate change is a result of human activities. For those of us who live at sea level, the picture is particularly bleak. The Bahamas, labelled among the 100 countries most vulnerable to climate change, is now facing inundation from storm surges, depletion of fragile water resources, erosion and further land degradation, as the sea begins to reclaim the land that rose out of the last ice age. It is this reality that informs our desire for urgent action on climate change.

A short while ago, the infrastructure of the central Bahamas was badly damaged when a little over 50 per cent of our annual rainfall flooded the islands over a two-day period. Tropical storm Noel caused economic loss to our salt industry and crops, and our vital tourist industry was also disrupted. A life was lost. That occurred despite having an advanced early warning system and natural disaster system in place. Clearly, there is much more to do.

The Government of the Bahamas recognizes that the future development of the Bahamian people will depend on the responsible exploitation of the natural and man-made resources available in the country, in the context of a comprehensive policy framework. However, we must acknowledge that climate change presents more complex global challenges, warranting a

reassessment of our collective response to this issue and a renewal of our efforts in support of the broader sustainable development question — the wider context within which climate change should be considered.

In that connection, the Bahamas welcomes the opportunity to add to the debate on how best the United Nations system, in collaboration with Member States, the private sector and civil society, can collectively support the most important work of the United Nations Framework Convention on Climate Change (UNFCCC) — the primary comprehensive framework for addressing climate change — and the implementation of commitments under the Convention, its Kyoto Protocol and the Bali Action Plan.

In that context, the Bahamas notes with interest the report of the Secretary-General on the overview of the United Nations activities in relation to climate change, particularly as it refers to supporting global, regional and national action on climate change. We agree that the United Nations, given its universality, has a central role in supporting global efforts to meet the global challenge of climate change and in providing policy direction to support the Bali Action Plan. In that connection, the Bahamas would indeed welcome the strengthening of the United Nations system, particularly the United Nations Development Programme, the United Nations Environment Programme, the Department of Economic and Social Affairs, and the Small Island Developing States Unit, in its efforts to assist national adaptation activities and national sustainable development activities in general.

It is worth noting in that regard that the Bahamas has initiated policies to respond to climate change at the national level; however, our adaptation options are limited. In fact, in some cases, particularly the case of some of the smaller islands in the archipelago, the only option may be retreat and abandonment of property. The problem for the Bahamas, as with many other small island developing States, is that we are often found lacking with respect to indigenous science and technology capability. There are also many gaps in existing data and information and a lack of tools to assess the physical, social and economic impacts on the most vulnerable sectors of our society and economy.

Access to international assistance, new and additional financial resources and the availability of scientific and technological solutions are critical in our efforts to reduce vulnerability and achieve sustainable

development. In that context, the Bahamas wishes to welcome the decision taken by the parties to the Kyoto Protocol to continue the work of the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol. We anticipate that such a decision would lead to the necessary support to developing countries in the areas of adaptation, mitigation, technology and financing.

The Bahamas also welcomes in particular the operationalization of the Adaptation Fund during the Bali Conference last year. That, together with mechanisms such as the Caribbean Catastrophe Risk Insurance Facility, would do much in the way of assisting countries like the Bahamas to access funding for recovery from natural disasters and for other vital adaptation activities. The recent contribution of \$2.5 million by the Government of Ireland to the Facility is most welcome and greatly appreciated. We sincerely thank Ireland for that generous gesture of partnership and support.

As I conclude, I would once again like to thank the President for convening this most timely debate and hope that events such as these will continue to gather the momentum necessary to effect real change.

The Acting President: I now give the floor to Mr. Somduth Soborun, Permanent Representative of Mauritius.

Mr. Soborun (Mauritius): The journey from Rio to Bali in our quest for a cleaner environment and the preservation of planet Earth has taken us over a decade and a half thus far. Although slow in its progress, this quest has nonetheless been able to generate a consensus that climate change is real and that global warming is caused by human activities.

I should like to commend the President for convening this timely thematic debate on a subject of serious concern to us all. I should also like to commend Secretary-General Ban Ki-moon for his tireless efforts to secure top priority for the issue of climate change, which he has rightly described as the defining issue of our time. Indeed it is.

I encourage the President and the Secretary-General to remain continuously engaged with respect to the issue of climate change, together with other equally important issues confronting us, such as the achievement of the Millennium Development Goals, financing for development and, of course, the reform of

the United Nations, including Security Council reform. Those issues are not mutually exclusive.

I would also like to thank the Secretary-General for his comprehensive report, which not only provides an overview of the activities of the United Nations in relation to climate change, but also sets the guidelines on what can be done to make United Nations participation even better. Undoubtedly, the United Nations remains the best-placed Organization to deal with the issue of climate change. However, it is important to stress that all United Nations strategies and activities on climate change — and other issues as well — should be coordinated in a coherent manner so as to deliver as one.

Last but not least, I associate myself with the statement made by Antigua and Barbuda on behalf of the Group of 77 and China, and by Cameroon on behalf of the African Group.

We are already late in tackling the problems and adverse effects of climate change. Time is running out, and it is imperative that we hammer out an agreement well before 2009 to move the process forward for a comprehensive post-Kyoto agreement. In that context, we should refrain from overloading the agenda of the Bali Action Plan, as rightly pointed out by some of the eminent panellists at the meeting of the working group held on Monday, 11 February 2008.

The Bali Action Plan has called for enhanced national and international action on mitigation of climate change; enhanced action on adaptation; enhanced action on technology development and transfer to support action on mitigation; and enhanced action on the provision of financial resources and investment to support action on mitigation, adaptation and technology cooperation. Furthermore, it has also called for urgent action on, inter alia, the immediate needs of developing countries that are particularly vulnerable to the adverse effects of climate change, especially the least developed countries and small island developing States.

I should therefore like to emphasize some of the challenges confronting the small island developing States with regard to climate change and global warming. Small island developing States face severe threats from sea-level rise and extreme weather conditions, increasing beach erosion, coral bleaching and sea surges caused by climate change. Those threats seriously undermine the tourism and fishing industries,

which by and large constitute the main economic pillars of most small island developing States. We therefore support United Nations initiatives to assist developing countries and small island developing States in identifying and implementing national mitigation strategies to reduce greenhouse gas emissions while promoting local sustainable development and cleaner economic growth.

We also reiterate our call for the setting up of a special fund for small island developing States to enable the development and implementation of adaptation measures in the same manner as the Least Developed Countries Fund under the Global Environment Facility. Funding should be based on vulnerability and the level of urgency for adaptation.

The initial sum of \$300 million recently pledged to start the Adaptation Fund is a drop in the ocean if we consider the magnitude of the problems caused by the adverse effects of climate change. We are convinced that the international community can do much more, as it has the capabilities and resources to mobilize billions and trillions of dollars for the purpose, given that we now all agree that whatever we neglect to do today in addressing the challenges of climate change may cost us several times as much to remedy in the years ahead.

We welcome the recent initiative of the Government of Japan to establish a financial mechanism called the “Cool Earth Partnership” consisting of \$10 billion in the aggregate over the next five years to assist developing countries that are making efforts to reduce greenhouse gas emissions and achieve economic growth in a compatible way, on the basis of policy consultations between Japan and those countries. We also welcome Japan’s intention to set up a multilateral fund together with the United States and the United Kingdom, and we note its call for other donors to participate in the fund.

We also support the Government of India’s commitment to focus on areas such as natural disaster preparedness, resilience, capacity-building, adaptation and mitigation with regard to small island developing States. We express our appreciation for India’s committed project aid of \$70 million to small island developing States, in addition to its \$350 million in concessional loans and credit lines.

Small island developing States are deprived of mineral and natural resources such as iron ore, coal, gold, diamonds, copper and oil, to name but a few.

However, nature has been quite generous in providing them with an abundance of sunshine year in and year out. It goes without saying, therefore, that at a time when we are putting all our efforts into extracting carbon dioxide from the atmosphere, solar energy should be put to the best and most effective use. In that context, the transfer of technology and know-how to small island developing States in the use, application and development of solar energy — free of charge, or at subsidized and affordable rates — could be highly instrumental in helping them along the path towards cleaner energy and significantly reduced import bills for fossil fuels, as well as reduced dependability on fossil fuels. In that respect, under the umbrella of one of the United Nations agencies, the establishment of joint ventures between small island developing States and countries with advanced levels of technology and know-how in solar energy would be most welcome.

Coming back to the broader picture of climate change and global warming, and acknowledging that the planet is in peril, let me conclude with a more practical approach. Ask not what others can do; ask what I can contribute towards a cleaner environment. That “I” ranges from the most powerful to the least fortunate — from Governments, the most successful business corporations, industries and financial institutions to street vendors, civil societies, non-governmental organizations and many individuals and celebrities, such as Sir Richard Branson and actress Daryl Hannah, who were your chief guests at the luncheon on climate change hosted at the United Nations by President Srgjan Kerim on Monday, 11 February. We need to build bridges and partnerships with all the stakeholders. We all have a stake, based on the agreed principle of common but differentiated responsibilities and respective capabilities, in making the world a better, safer and cleaner place to live in, for us and for generations to come.

The Acting President: I now give the floor to Mr. Carlisle Richardson, representative of Saint Kitts and Nevis.

Mr. Richardson (Saint Kitts and Nevis): The Federation of Saint Kitts and Nevis would like thank the President for convening this debate in the General Assembly on the theme “Addressing climate change: the United Nations and the world at work”.

Saint Kitts and Nevis associates itself with the statement made by the representative of Antigua and

Barbuda on behalf of the Group of 77 and China, the representative of Barbados on behalf of the Caribbean Community and the representative of Grenada on behalf of the Alliance of Small Island States.

The Federation of Saint Kitts and Nevis, being among the smallest independent nations, feels compelled to have its voice heard in this debate. There has been much talk and discussion on the issue of climate change. It is evident that some nations are willing to do much. The picture in relation to others is not yet clear.

Saint Kitts and Nevis joins the many who call for action — not just any action, but meaningful and focused action that will reduce the consequences of climate change. For us it is no longer a question of addressing the threats of climate change; the problem is beyond that. It is a matter of addressing its consequences. As the science in this area has yet to mature, it is the unknown that is waiting to haunt us.

Today, Saint Kitts and Nevis will describe a few of the ways in which climate change presently affects us. We are small. There is a rain forest. Our people live in coastal areas. The rest of the land is used for agriculture. It is not a lot of land. The destruction of our beaches and the damage to our rain forest and topography have begun. Sooner rather than later, rising sea levels could cause us to lose our beaches. Deforestation can soon be a real possibility.

Our rainfall is now unpredictable. We receive less rainfall than before but, when it comes, it is heavy. Rainfall and floods are constantly eroding our topsoil. We depend on the rain to irrigate our crops to feed our people. To irrigate otherwise is expensive. The present patterns are affecting our attempts to achieve food security. Prolonged periods of drought produce no crops. As a result, our bill for food imports continues to rise, using up much-needed foreign currency.

We continue to be affected by some, if not all, the hurricanes that visit the region yearly. Even when they do not hit us directly, we are affected by their outer bands, whether it be in the form of coastal erosion from the activity of the sea or land erosion from the resulting heavy rains, both of which cause us to continually lose our soil.

As a result of the decline in rainfall, our water resources are stretched to the limit. Desalination plants are now considered a necessary part of our planning for

the future to meet water demands. It is an expensive way forward, but we have no choice.

Unfortunately, since tourism is our main engine of growth, the degradation of our natural assets will eventually make us unattractive to tourists. That in turn will have a negative impact on the many jobs that the tourism sector has produced for our economy.

My country agreed to ratify the Kyoto Protocol. That was our way of saying that we are on board with the rest of the international community in setting greenhouse gas emission reduction targets for the world. Reducing greenhouse gas emissions is the only way forward if we are to end the overall warming of the planet brought on by human activity.

The significance of the measures taken to protect and preserve our planet should be a concern of all nations — developing nations as well as those that are developed. To ignore the roles that we have to play in the process would have implications for us all. None of us is too large or too well placed geographically to consider ourselves safe from the ravages associated with unmitigated climate change; the historical data attest to that. Therefore, it is necessary and also wise to conclude that we are all in this together and must join in the efforts to protect our planet — which we hold in trust for the generations to come — and to ensure our own survival.

Saint Kitts and Nevis are among those countries contributing least to global warming. In fact, when one applies the principle of *de minimis*, one concludes that we contribute nothing to global warming. Yet, we are also among those who are beginning to suffer dearly as things grow worse.

No matter what the military or diplomatic strength of the victim nation-States may be, there is a moral imperative that the emitters and polluters join in partnership to find a solution. The industrialized countries have created the problem. There is very little that the rest of us can do on our own. The partnership of the industrialized world is necessary for a solution.

There can be no doubt as to the need for financial flows from the developed to the developing world to address the issues of mitigation and adaptation. We do not believe that everything must stand still until the negotiations end; there is much that we can do and much that can be done in the interim.

We are willing to contribute to the solution in our own small way, through the use of alternative sources of energy. In that regard, in our Federation there is evidence of viable commercial sources of geothermal energy. We ourselves are working to gain access to those sources, but there is still a need for financial and technical assistance from the developed world if we are to succeed in bringing them into production.

Therefore, in our response to this multifaceted challenge, we must be nations that are united as partners in the area of climate change. I therefore invite the fullest positive participation of all Members as nations united in efforts to address the issues associated with climate change. We ask that all nations be proactive in the implementation of strategies and solutions to mitigate the impending disaster and misfortune for us all. As a small island State, we are anxious to help ensure that no island is left behind.

The Acting President: I now call on Mr. Peter Maurer, Permanent Representative of Switzerland.

Mr. Maurer (Switzerland) (*spoke in French*): Switzerland very much welcomes the holding of this thematic debate, and we thank the Secretary-General for his report (A/62/644). That document is a very good source of information and of proposals aimed at better coordination of the activities of United Nations agencies to support negotiations and the implementation of measures. Still to be resolved is the important issue of carrying out the process initiated by the Secretary-General to ensure that United Nations agencies address climate change issues in a more effective and consistent manner.

We urge that the priorities related to climate protection in the areas of emissions reduction and adaptation be integrated into the strategies of United Nations agencies. Thus, we support the approach taken by the Secretary-General: identifying sectoral objectives and making concrete proposals aimed at the attainment of each of them. Roles must still be assigned to the relevant agencies to ensure the attainment of those objectives.

The strategies of United Nations agencies must integrate, develop and meet the needs and priorities identified by the two forums responsible for addressing global climate change within the United Nations system: the United Nations Framework Convention on Climate Change and its Kyoto Protocol. As the Secretary-General indicated in his report, the scientific

issues of observation, follow-up and research with regard to the climate system and the assessment of knowledge in that area must also be priorities for the specialized agencies of the United Nations system.

However, many sectoral objectives identified in the Secretary-General's report are not only climatic objectives, but sources of broader interest in the area of development. In that connection, we should like issues related to environmental protection to be considered and to contribute to sustainable development. More generally, we believe that adequate resources must be made available to United Nations agencies in order to support national and international processes regarding climate change.

In the immediate future, we should like the United Nations system to effectively meet the requirements of the Bali Action Plan with regard to emissions reduction, adaptation, technology transfer and the mobilization of sufficient financial resources. The Plan sets out objectives for each of those areas, and United Nations agencies can contribute and respond to them.

We recall that the Bali Action Plan identifies disaster risk prevention as an essential element in climate change adaptation strategies. Thus, we urge the United Nations system to systematically integrate risk prevention programmes into climate change adaptation programmes, particularly in national development plans. In that context, we welcome the World Bank's recent innovative initiatives in the field of disaster reduction.

Finally, we underline the importance of the Third World Climate Conference, to be held in Geneva in early September 2009. The Conference was decided upon at the Fifteenth World Meteorological Congress and should be supported by all relevant United Nations agencies. The Conference will include a high-level segment during which important recommendations will be made for the fight against climate change, particularly in the area of adaptation.

The Acting President: I now give the floor to Mr. Rodrigo Riofrío, representative of Ecuador.

Mr. Riofrío (Ecuador) (spoke in Spanish): Permit me at the outset to associate myself with the statement made by the representative of Antigua and Barbuda on behalf of the Group of 77 and China. My delegation also congratulates the President of the General

Assembly on the convening of this important debate on climate change, which is a priority issue for Ecuador.

Our country emphasizes the importance of the establishment of the Road Map as a result of the Bali Conference. The Road Map will enable the international community to achieve the necessary agreements to address the effects of climate change by establishing targets for the reduction of greenhouse gas emissions and to implement new mitigation and adaptation measures.

The historical responsibility of developed countries in the area of climate change is of great concern to us, given that ever more intense climatic events produce disastrous consequences, especially for developing countries. We therefore call on developed countries to assume their historical commitment and put in place measures that can help developing countries to mitigate the resulting effects.

Ecuador is a marginal country as regards emissions, producing less than 1 per cent of the world's total. However, in recent years our country has suffered from severe natural disasters resulting from climate change. As a result, at this very moment, various areas of our country — especially along our coast — are under a state of emergency following the serious flooding that has taken place as a result of torrential rains. These rains were due to the phenomenon known as La Niña, and have had an unprecedented impact and produced thousands of victims.

Climate change affects us all. It knows no boundaries and has an impact on both developed and developing countries. Ecuador, which agrees with the principle of shared responsibility, therefore proposed an initiative to the international community several months ago that would involve leaving the crude oil contained in the Ishpingo Tambococha Tiputini (ITT) oil fields of Ecuador's Yasuní National Park in the ground. By exploiting the ITT-Yasuní fields Ecuador could produce more than 100,000 barrels of crude oil per day, with a value of \$720 million annually. Production would continue for approximately 13 years, during which 107,000 barrels on average would be produced daily.

The proposal we have made would obligate Ecuador not to exploit the almost 920 million barrels of oil in the highly biodiverse Yasuní ecological region. In return for that economic sacrifice, our country would ask the international community to assume

co-responsibility in this initiative by establishing the ITT-Yasuní trust fund and contributing \$5 per non-extracted barrel. To that end, a technical secretariat has already been established to implement the project. The total amount that the international community would have to contribute to the compensation fund would be approximately \$4.6 billion, which we would use to carry out our national development plan. That plan includes provisions for diversifying our energy supply, developing our capacities and investment in ecotourism and implementing a comprehensive agenda covering the areas of health, education and environmental restoration.

This is an initiative by a small country, whose economic resources depend upon exploiting oil resources. However, because we are aware of the devastating effects of climate change, we are willing to make the necessary efforts to mitigate that phenomenon, even if it means forgoing a significant amount of revenue. Ecuador therefore once again calls on the international community to support our initiative to leave the ITT-Yasuní oil in the ground as an innovative, creative and humane proposal to mitigate the effects of climate change.

The Acting President: I now give the floor to Mr. Hugo Siles Alvarado, Permanent Representative of Bolivia.

Mr. Siles Alvarado (Bolivia) (spoke in Spanish): First of all, I would like to congratulate the presidency on the time and effort it is devoting to addressing such an important issue as that of climate change.

The Mission of Bolivia associates itself with the statement delivered by the representative of Antigua and Barbuda on behalf of the Group of 77.

I do not want to repeat all the arguments and facts that have been set out in a very detailed and exhaustive manner by the representatives who have spoken before me. Nevertheless, I should like to refer to some issues of importance to the Bolivian Mission.

It seems that, in our determination to promptly address the potential disastrous consequences looming on the horizon as a result of climate change, we are forgetting the fundamental causes that led to the current situation. As a result, we are dealing only with short-term problems and forgetting those that may arise in the medium and long terms. We should remember that climate change is the result of a long process of

environmental pollution, which began, as is well known, in the 1850s with the industrial use of the steam engine and the internal combustion engine. The accelerated process of industrialization was accompanied by a huge demand for natural resources and energy. In many cases, this led to armed conflicts that continue to this day and are preventing humankind from living together in peace.

Industrialization, although it made unquestionable contributions to the improvement of the living conditions and quality of life of millions of human beings, was unfortunately accompanied by very detrimental consequences for the preservation of the human race, of nature and of the planet in general. Let us hope that finding a solution to the problems of climate change does not take as long as environmental pollution took to create climate change. Because if it does, we shall need something like 150 years to bring climate change under control.

Industrial overproduction in consumer societies and their irrational and insatiable demand for sources of energy have led to the unbridled overexploitation of non-renewable resources, the pollution of rivers, seas, air and land and the ongoing depredation of natural forests. The excess demand for energy is today forcing some countries to convert millions of hectares of arable land, which could be used to grow food crops to alleviate the hunger of millions of human beings, to the production of corn, sugar cane and other crops for biofuels, which are beginning to be used in millions of cars that generally do not fulfil an essential need. Cities such as London and New York, however, are beginning to search for disincentives to curb the lavish use of cars.

We sometimes wonder what poses the greater threat to the survival of the human race; climate change or the insensitivity of those who have everything. Climate change, leading to climate disasters today, is actually the result of excessive demand and the waste of energy and consumer goods in developed countries.

Countries like Bolivia, which have never benefited to any significant amount from scientific and technological development and which have never contributed significantly to environmental degradation, have to pay the consequences of climate change. Paradoxically, countries which have caused the greatest amount to the grim picture facing our planet are those who decide that now we all have a shared

responsibility to confront the challenges of adapting to and mitigating climate change.

At this point in time, Bolivia is going through a very difficult period as a result of the devastating rains and floods that threaten the personal safety, security and health of thousands of people. All of this is the consequence of the sudden cold or warm air masses that have in recent years fundamentally affected the South American continent.

Last year, following the floods in the city of Trinidad in Bolivia and with the help of our Venezuelan brothers and sisters, we built a dike in order to prevent even more floods. Building the dike on the basis of pre-flooding water levels seems not to have proven adequate: water levels have now risen above that containment wall. This tells us that adaptation measures may be insufficient and that it is not possible to predict the actual scope of climatic changes.

More economically developed countries, which are responsible for the ecological changes that we are now experiencing, have put forth two strategies to slow down ecological and climatic collapse: adaptation and mitigation. In both cases, less developed countries lack the technology necessary to implement these policies of adaptation to and mitigation of climate change. This technology must be made immediately available to all countries and at no cost for all of the least developed countries (LDCs): this is the least that countries which have contributed most to environmental degradation over the last 150 years can do to help us to confront the challenges of adaptation and mitigation. Furthermore, policies of adaptation and mitigation are only palliative measures. They cannot guarantee the effective control of climate change, as long as developed countries continue to maintain and increase their energy consumption.

The future of the LDCs over the next 50 years is very uncertain in terms of energy resources. The voracious demand for natural resources seems to have ensured the exhaustion of those resources. The new types of energy production that are being developed today carry with them costs that put them beyond the reach of the poorest and least developed among us.

The point, therefore, is to decrease the per capita energy demand in all countries of the world and especially in those countries whose energy consumption is excessive. The United Nations has the

obligation to propose educational policies that will change consumption habits, slow down deforestation of natural forests and eliminate pollution in rivers and seas. All of us must commit ourselves to working to save our planet from the voracious appetites of the insatiable.

The Acting President: I now give the floor to Mr. Christian Wenaweser, Permanent Representative of Liechtenstein.

Mr. Wenaweser (Liechtenstein): We value this opportunity to offer our view on climate change once again and are grateful for the high-quality and stimulating discussions of the day before yesterday in the framework of the panels organized by you, Mr. President.

Clearly, climate change is an exemplary challenge for global cooperation, since the need for multilateral action can hardly be more obvious. It therefore constitutes a unique challenge to the United Nations system.

The leadership that the Secretary-General has shown on this topic ever since he took office is thus crucial. Tremendous momentum has been created on the issue of climate change in recent months and the Bali Road Map on climate change was the first step in translating this momentum into concrete action. More must follow, of course.

In tackling climate change, we must realize that this is not merely an environmental issue, but predominantly one of sustainable development. Since climate change can also exacerbate existing security threats, it also has a strong security dimension and thus contains elements of the priorities of United Nations work in general. It is also highly relevant for another priority topic that we will address later this year, namely, our ongoing work on the Millennium Development Goals.

The report of the Secretary-General before us today illustrates the impressive range of activities related to climate change in which different players within the United Nations system are already engaged. It also shows that the response to the challenge of international environmental governance that is under discussion can make an important contribution to targeting our response to climate change. The key areas for action of mitigation, adaptation, technology and financing, as well as deforestation, must be carried out

in a manner based on an inclusive and coherent approach, as reflected in the report of the Secretary-General.

We therefore support the statement made by the two Chairpeople in charge of the institutional framework. We also look forward to the continued leadership of the Secretary-General in shaping a coordinated United Nations approach, in particular the work under way with the Chief Executives Boards.

Financing and technology rightfully occupy a central place in the framework we have agreed in Bali. Clearly, the resource side is one aspect where much thinking is yet to be done, and we hope for creative proposals on mechanisms for financing. At the same time, we must not be led to believe that there is a technological answer to the complex challenge that climate change poses.

An indispensable element of our success is sustained political will, as well as the promotion of a global consciousness of the magnitude of the problem we are facing. In this respect, partnerships between all the stakeholders can have a strong catalytic effect.

The Acting President: I now give the floor to Mr. Martín García Moritán, representative of Argentina.

Mr. García Moritán (Argentina) (*spoke in Spanish*): First of all, let me begin by thanking the President of the General Assembly, Mr. Srgjan Kerim, for convening this singular event, as well as Secretary-General Ban Ki-moon for the commitment he has shown in bringing a multilateral focus to bear on the scourge of climate change. The Argentine Republic strongly emphasizes the importance of negotiations within the relevant major forums and reaffirms the key role of the United Nations system in relation to this topic.

We believe that the natural arena for negotiations on this issue is the United Nations Framework Convention on Climate Change, without minimizing the possible contributions of efforts made outside the climate change system. We are, therefore, not convinced as to the benefits of a possible proliferation of forums for efforts to address the issue. If it is dealt with outside the framework of the Convention, that could have negative implications for ensuring the active participation of developing countries in the discussions.

We consider the report of the Secretary-General on this issue (A/62/644) to be extremely important, and we believe that the United Nations system should assist in the two-year-long negotiation process set out in the Bali Action Plan, with a view to reaching an agreement that will improve the multilateral regime dealing with climate change, without compromising the legitimate right of non-annex I parties under the Kyoto Protocol to sustainable development.

An improved international response requires that all industrialized countries adopt stricter commitments than those set out in the Kyoto Protocol. To that end, we must also find ways to promote the participation of developing countries, including by establishing criteria that will make it possible to differentiate between them, taking account of each country's national circumstances and capacities.

The countries not included in annex I of the Protocol could adopt sustainable development policies and measures contributing to mitigation and adaptation. However, there are difficulties with implementation, which are due in part to a lack of sufficient resources. Activities by developing countries should be appropriately encouraged through international cooperation in the areas of investigation, observation, technology transfer and financing.

Some entities of the United Nations system are already assisting in the climate change regime in these areas, but they should be encouraged to focus their efforts on developing countries. Improving multilateral cooperation is essential in carrying out mitigation and adaptation efforts. Under the Convention, developed countries are obligated to help developing countries to meet their commitments, through financial resources, capacity-building and technology transfer. The time has come to honour that commitment.

As former President Néstor Kirchner stated in this Hall at the 2007 High-level Event on Climate Change:

“Everyone recognizes that the developing countries have contributed the least to the creation of this imbalance known as climate change, one of whose causes has been identified as the impact of human activity. On the contrary, it is the developed countries that have received a virtual environmental subsidy from our countries for a long time — a subsidy that has enabled

them to enjoy the high consumption levels that have caused this situation.

“That has clearly caused the world and the developing countries to become the environmental creditors of the developed countries. This situation has created a moral and environmental debt that must be duly repaid to eliminate the inequities caused by the adverse effects of climate change. For too long, adaptation to climate change has been the unfulfilled promise of the international regime created for that purpose.”

The activities of the United Nations system to promote the implementation of mitigation and adaptation measures and the transfer of financial and technological resources could be strengthened if the parties to the climate change system reach agreement in the primary forum and in negotiations to help it move forward. Otherwise, our efforts could be fragmented. Far from promoting an effective response to the challenge, that would compromise the coherence of the regime.

The United Nations Framework Convention on Climate Change and its Kyoto Protocol are fully valid areas for immediate national action and international debate. With all our political will, we must focus on meeting the obligations already established and must reject any initiative aimed at undermining those forums, those goals and our future.

The Acting President: I now call on Mr. Jean-Marie Ehouzou, Permanent Representative of Benin.

Mr. Ehouzou (Benin) (spoke in French): My delegation expresses its great appreciation to Mr. Srgjan Kerim, President of the General Assembly, for his initiative to invite eminent personalities to enliven our panel discussions on mobilizing the international community to respond to the terrible effects of climate change.

Benin associates itself with the statements made by the representative of Cameroon on behalf of the Group of African States and by the representative of Antigua and Barbuda on behalf of the Group of 77 and China.

Climate change is no longer in the realm of the merely imaginary or possible; it is already a tangible reality affecting the basic necessities of life for peoples throughout the world. It is shown in the increased

frequency of natural disasters, which are causing enormous damage in the countries affected. Climate change is jeopardizing the very existence of many coastal and island States and could lead to a dwindling of available living space, by considerably reducing the area of habitable land and making environmental conditions more difficult for life and human activity. In fact, we are already facing coastal erosion and flooding in many regions of the world as a result of sea-level rise, in addition to falling groundwater tables, the drying up of watercourses and lakes, the salinization of rivers and many other phenomena, which are complicating access to natural resources essential for the survival of humanity.

The fruitful panel discussions that we have had on this issue have certainly benefited the quest for ideal and innovative solutions to the challenges confronting humanity in all fields of activity. Such solutions must be collective and based on international solidarity and the principle of shared but differentiated responsibilities. That is the only way to ensure not only that we can make the necessary behaviour and lifestyle changes, but also, and in particular, that we can limit the damage through mitigation and adaptation efforts. To that end, we must swiftly mobilize the financial resources required to ensure the transfer of appropriate technologies as well as capacity-building.

The President took the Chair.

In addition to systematic measures set out within the framework of conventions on the environment aimed at addressing the human factors contributing to climate change, our societies must make sweeping changes to stave off the threat of major climate shocks. The most recent report of the United Nations Environment Programme, which is devoted to the fight against climate change, is based on, inter alia, the work of the Intergovernmental Panel on Climate Change (IPCC). It highlights the mostly positive cost-ratio advantage of proactive action as compared with the cost of natural disasters caused by climate change.

The technological progress of recent years has made it possible to introduce and promote the use of new and renewable sources of energy in order to reduce the constantly increasing pressures on finite natural resources. For example, giving a solar oven to a poor family in my country would contribute to the fight against desertification by considerably reducing the use of firewood, and thus would assist in the fight against

deforestation. That is a proven fact. Solar panels are another alternative to providing abundant energy, especially in Africa, where there is sunshine 365 days a year. Unfortunately, solar panels are not within the reach of our peoples, who are too poor to buy them. The time has come to end market speculation in this type of product, and to make them accessible to the poorest segments of populations in need.

We have at our disposal both the financial and technological resources necessary to adapt to climate change. What is needed is more political will and vision to be able to bequeath a liveable world to future generations. Any mitigation and adaptation strategy must necessarily incorporate the element of sustainable development, which includes eradicating poverty and enabling individuals to lead lives that are healthy, decent and respectful of the normal order of things. We should maximize existing synergies in order to activate all potential actors of change, by reorienting existing frameworks for traditional cooperation.

Along the same lines, we should also maximize the benefits that could be derived from the convergence and complementarity of international conventions on global environmental governance. Also in that framework, the international community, especially donors, must understand that the successful implementation of the United Nations Convention to Combat Desertification requires financial resources at the same level as other conventions concluded during the Rio period.

Benin calls for the synergetic implementation of the programmes of action to combat the negative effects of climate change — as regards both policy and, above all, resources. In the same vein, the resources allocated to the Adaptation Fund to combat climate change — which must be increased — should also be utilized to finance projects to combat degradation of the land and to support a massive reforestation and soil-protection programme. Those efforts will contribute to improving both the health of the world's environment and that of its inhabitants by generating revenue. The Convention to Combat Desertification should be the basis for efforts to adapt to climate change and mitigate its effects, as well as to strengthen the resiliency of countries in which soil degradation is a critical problem.

In that connection, the Commission on Sustainable Development should further dedicate itself

to issues related to climate change. There is room for improving the existing limited capacities in monitoring and analysing phenomena associated with climate change in Africa. There is also a need to establish a global databank that can provide statistics and scientific information of equal accuracy for all the world's regions, so as to ensure that we have at our disposal effective surveillance that can bolster our forecasting capability. Above all, the United Nations should help low-income developing countries to incorporate the climate change situation into their national investment strategies, so as to make those strategies more rational in the light of climate change.

With regard to the mobilization of resources, the United Nations could, in addition to fulfilling the commitments already undertaken, consider the possibility of a solidarity levy on resources generated by activities involving production factors that have been declared to be the common patrimony of humankind — such as the seabed and historic sites — in order to provide resources for the Adaptation Fund. The United Nations is in the best position to find innovative formulas for the mobilization of additional resources to combat climate change. We should carefully consider the various proposals to which I have referred.

The President: I now call on the Permanent Observer of the Holy See, Archbishop Celestino Migliore.

Archbishop Migliore (Holy See): The ongoing debate on climate change has helped put into focus the inescapable responsibility of one and all to care for the environment, thereby building consensus around the common objective of promoting a healthy environment for present and future generations.

The recent United Nations Climate Change Conference in Bali has shown that through increased concern for our neighbour, in particular those most vulnerable to climatic change, we are better equipped to adopt strategies and policies that balance the needs of humankind with the urgent need for a more responsible stewardship.

The Holy See assures the General Assembly of its collaboration in achieving the objectives set in Bali. To that end, the personal commitment and numerous public appeals of Pope Benedict XVI have generated awareness campaigns for a renewed sense of respect for, and the need to safeguard, God's creation.

Individuals and communities have started to change their lifestyles, aware that personal and collective behaviour impacts the climate and the overall health of the environment. While such lifestyle changes at times may seem irrelevant, every small initiative to reduce or offset one's carbon footprint, be it the avoidance of the unnecessary use of transport or the daily effort to reduce energy consumption, contributes to mitigating environmental decay and concretely shows commitment to environmental care.

On a more practical side, the Holy See has already taken certain measures to reduce and offset the carbon emission of the Vatican City State, such as the use of solar panels and the planting of trees. Through its involvement in a reforestation project in Hungary, it will provide environmental benefits to the host country, assist in the recovery of an environmentally degraded tract of land and provide local jobs.

The interrelated issues of environmental preservation, economic development and climate change can have competing demands on our priorities and concerns. It is incumbent upon every individual and nation to seriously assume one's share of the responsibility to find and implement the most balanced approach possible to this challenge. Sustainable development provides the key to a strategy that harmoniously takes into account the demands of environmental preservation, climate change, economic development and basic human needs.

The use of clean technologies is an important component of sustainable development. To help industrializing countries avoid the errors that others committed in the past, highly industrialized countries should share with the former their more advanced and cleaner technologies. The pooling of resources makes initiatives of mitigation and adaptation economically accessible to most, thereby assisting those less equipped to pursue development while safeguarding the environment. Moreover, markets must be encouraged to patronize green economics, and not to sustain demand for goods whose very production causes environmental degradation. Consumers must be aware that their consumption patterns have a direct impact on the health of the environment.

Indeed, the challenge of climate change is at once individual, local, national and global. Accordingly, it urges a multilevel coordinated response, with mitigation and adaptation programmes simultaneously

being individual, local, national and global in their vision and scope. My delegation therefore commends the United Nations Framework Convention on Climate Change for providing a global framework for concerted international action to mitigate climate change and to adapt to its impacts. The almost universal membership in the Convention will not fail to facilitate the launching of national strategies — starting with those most vulnerable, such as small island States and coastal, low-lying populated areas — and will promote a more equitable pooling of resources and technology to help vulnerable countries with lesser resources to better understand and assess the risks they face.

The President: In accordance with General Assembly resolution 49/2, of 19 October 1994, I now call on Mr. Raymond Forde, of the International Federation of the Red Cross and Red Crescent Societies.

Mr. Forde (International Federation of the Red Cross and Red Crescent Societies): The International Federation of Red Cross and Red Crescent Societies (IFRC) congratulates you, Mr. President, on your decision to convene this thematic debate on climate change. For us, the issue of partnerships is particularly appropriate because of its vital relevance to the fulfilment of commitments in the Hyogo Framework and the United Nations International Strategy for Disaster Reduction (ISDR) contexts.

This same theme was addressed at the 30th International Conference of the Red Cross and Red Crescent Societies, held in late November 2007 in Geneva. That conference brought together all the world's Governments and their partner Red Cross and Red Crescent Societies and resulted in the adoption by consensus of a declaration entitled "Together for Humanity". One of the four major challenges identified in the declaration is the humanitarian consequences of environmental degradation and climate change, with an emphasis on adaptation.

The debate at the International Red Cross and Red Crescent Conference was driven by exactly the same realizations as those which underpin the discussions here. The first is that there can be no argument about the impact today of climate change and global warming on tens — no, hundreds — of millions of people all over the world.

We are an organization composed of 186 National Societies functioning as auxiliaries to the public

authorities in every country. Our “Together for Humanity” declaration envisages each Government meeting with its National Society to establish what they can do together to combat the challenge of climate change. Our Societies are committed to their part of this initiative, and some have already engaged their Governments on defining roles and responsibilities. We urge all Governments to take up the opportunity that our Geneva consensus provides to make a real difference, especially in fields such as adaptation.

In anticipation of that, we worked with the Netherlands Red Cross Society to establish the Red Cross and Red Crescent Climate Centre on Climate Change and Disaster Preparedness in The Hague in 2002. Since then, we have utilized its expertise and resources to contribute to a large number of international meetings and events all over the world and have used that experience to build national actions on humanitarian consequences in selected countries.

We have also established partnerships between the IFRC and global and regional organizations to address disaster risk reduction. One such organization, in my own region, is the Association of Caribbean States. But the diversity of our interest is also illustrated by our intention to work more closely with the Sustainable Development Working Group of the Arctic Council. We also pay tribute to the work of the Alliance of Small Island States for the priority its members are undertaking to give climate change and its consequences the priority it deserves.

We in the Red Cross and Red Crescent are profoundly committed to ensuring that all Governments fully appreciate the humanitarian consequences of climate change. To address this, and in fulfilment of the consensus achieved at the November 2007 International Conference of the Red Cross and Red Crescent, we will use all means at our disposal to ensure that climate change is fully integrated into disaster risk reduction and disaster management policies and plans at the national level. We will continue giving the highest priority to those with the greatest needs, especially in the small island developing States, land-locked countries and least developed countries.

One of our key messages that we delivered in Bali and will be delivering again in Poznan and in Copenhagen is that adaptation to climate change must be prioritized in all countries and in all programmes.

Despite the support the concept always receives, it has yet to become truly embedded.

I repeat this message today: adaptation must receive its own funding support. It must not be seen as a competitor for development funds. It requires its own resources, and unless serious commitments to new funds are made, we will have to face the prospect of an annual cost to the planet of one trillion dollars by the year 2040 — the figure published by the United Nations Environment Programme Finance Initiative in 2006.

I hold this topic of climate change most dear to my heart. I am from a small island developing State, Barbados, in the Caribbean archipelago and am naturally worried that if various aspects such as rising sea levels are not fully addressed, my own country — to which other nations refer to as a paradise — might not exist as I now know it in 2050.

I implore the General Assembly to fully endorse the conclusions of this conference and commit to concerted action.

The President: In accordance with General Assembly resolution 35/2, of 13 October 1980, I now call on Ms. Diane Jumet, of the Asian-African Legal Consultative Organization.

Ms. Jumet (Asian-African Legal Consultative Organization): Although climate change has come to the forefront of global attention over the past few years, we should note that the United Nations has been addressing this issue since 1986. More recently, however, the growing competition among populations for natural resources, the desires and indeed the rights of increasing numbers of people to have access to the benefits already enjoyed by the most developed world, and the availability of information about the state of the environment in all parts of the planet have propelled the climate change issue to the top of the agenda.

There is a general acceptance by most Member States, if not all of them, that climate change is no longer a controversial issue. There is no impasse. All States, by now, are cognizant of the threat not only to the Earth's ecosystems but also to the quality of life of all humankind. Therefore, we must avoid setting up a false dichotomy between those States that have the moral will to address this issue and those that wish to

develop at any cost. We understand that we must either work to meet this challenge together or fail separately.

The dire predictions and pessimism about our capability to deal with climate change should be contrasted with some of the commendable steps that have been taken by Member States and those in the private sector. For example, the comprehensive energy policy recently adopted by the European Commission demonstrates a willingness to set targets and promote innovative solutions, even if policies must be modified as more is learned about their actual effectiveness. In addition, many corporations are discovering that becoming environmentally friendly is not only beneficial for the planet but also cost-effective and is positively received by consumers.

The policy of reducing consumption is an important and necessary measure, given that technological advances have not kept up with the incremental growth in exploitation of the resources of the planet. However, investment in research and development may well lead to technologies that will allow more people to have more benefit, whereas reduction measures leave an ever-greater number of people to divide up an ever-diminishing share of resources. Therefore, we should increase our commitment to expanding and refining technology that can help us to use what resources we have in the most efficient way possible.

The sharing and transfer of technology is a moral imperative and a laudable goal. At the same time, we cannot share what does not yet exist. For example, there is an urgent need for more efficient and safe renewable energy sources and for clean coal-burning technologies. There is also a dire need for an improved internal combustion engine that will meet transport requirements while minimizing harmful emissions. The recent introduction of a very low-cost automobile designed for first-time owners in one of our member States has raised outcries among some who fear that its mass production will add dangerously to the level of greenhouse gases. The implication is that the sum total of allowable pollution has been reached and no new members may be added to the club.

In the absence of acceptable technologies, we cannot expect that developing States are morally bound to put development on hold until science catches up with present-day needs. Reduction must be shared by all, but with regard to the proportion of the Earth's

resources being exploited by each. In addition, technology development and transfer must be a priority and the special responsibility of those who have the capacity to undertake it.

The United Nations, as the world's most representative intergovernmental forum, can make its most effective contribution to the debate on climate change by identifying areas of agreement among Member States and promoting cooperation and information-sharing among the parties. The goals that are set must be attainable, for setting the bar too high may become a reason for procrastination or failure.

The Asian-African Legal Consultative Organization believes that, as a starting point, Member States, working through the United Nations system, can address climate change by working on the implementation of existing treaties. States have already agreed on rules with respect to adaptation to, and mitigation of, climate disruption. However, there has been too little follow-through in the enactment of national and local legislation.

An example of the effectiveness of existing agreements can be found in the cooperation and adherence to obligations by the parties to Ramsar Convention. The Montreal Protocol on Substances that Deplete the Ozone Layer is another example of successful partnership and the benefits of technology-sharing.

Member States can also address climate change by promoting the dissemination and sharing of information. The Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters guarantees the rights of citizens to information from public authorities and encourages democratic engagement in environmental decisions.

All those examples indicate that attention and adherence to existing agreements can do much to move the process forward.

Finally, AALCO would like to note that the United Nations Framework Convention on Climate Change is the relevant body for dealing with the climate change issue.

The President: In accordance with resolution 57/32, of 19 November 2002, I now call on Mrs. Anda Filip, Permanent Observer for the Inter-Parliamentary Union.

Mrs. Filip (Inter-Parliamentary Union): The Inter-Parliamentary Union (IPU) welcomes the opportunity to address this thematic debate today.

For several years now, IPU has concerned itself with the environment. During recent Assemblies it has debated climate change, energy security, environmental degradation, natural disasters and the protection of biodiversity. Its members have negotiated and adopted resolutions that in many cases have served to mobilize parliamentary action on the respective issues.

Secretary-General Ban Ki-moon told the one hundred and sixteenth IPU Assembly, which was held in Bali in April last year, that when it comes to climate change, the cost of inaction far outweighs the cost of action. Parliaments have a contribution to make in ensuring that the necessary resources are made available, and their legislative role is particularly important, since in their hands lies considerable power to forge the laws, guidelines, frameworks and incentives that will allow business, industry and other actors to play their part in achieving the deep emissions cuts that are needed.

The IPU Assembly in Bali closed with the adoption of a declaration on climate change. The declaration called on parliaments to reinforce climate change policy and legislation with a view to achieving the ultimate objectives of the United Nations Framework Convention on Climate Change and the Kyoto Protocol. Parliamentarians pledged to raise the issue of climate change in their respective parliaments and to engage with Government ministers on preparations for the Conference of Parties to the Framework Convention held in Bali last December — with results that we can only welcome.

Different examples may be quoted of reactions within parliaments in follow-up to the Bali parliamentary declaration. The parliament of Chile has started to look at ways to make the national budget more environment-friendly. The German Bundestag committee on the environment, nature conservation and nuclear safety recently debated several motions on proposed climate protection measures introduced by parliamentary groups. The Bundestag also sets an example for climate protection and energy efficiency in the operation of its own buildings. In Israel, the Knesset committee for internal affairs and the environment is currently preparing the second and third readings of a clean air bill. At a recent session the

Japanese Diet enacted a law relating to the promotion of Government contracts that pay due consideration to environmental concerns, assessing the environmental load of each project rather than simply looking at price competitiveness. In the United Kingdom, the parliamentary joint committee on the draft climate change bill, which aims to reduce that country's net carbon account by at least 60 per cent from the 1990 baseline by the year 2050, expressed its concerns recently about the legal enforceability of targets and budgets and proposed a system of annual milestones and a compliance mechanism to create a strong legal framework. In Belarus, the Parliament is currently debating two bills designed to mitigate climate change, one to amend the environmental protection law on compensation for environmental damage and the other concerning a draft code on Earth resources. I could quote many other examples.

Parliaments alone will not save the world from its own extinction by greenhouse gases. That will be done by the right partnerships being forged between Governments, civil society and the private sector, putting the interests of the general public before more narrow concerns. What parliaments can do, however, as the Secretary-General has suggested, is to lay the legal foundations that are necessary for such partnerships to really work in practice. They can also play a useful role in explaining to the public why radical action is in their best interests. To do that as effectively as possible, IPU has identified three main areas of focus that constitute the pillars of the global parliamentary campaign on climate change.

Under the heading of leadership, parliaments are called upon to promote a more robust national commitment to global cooperation in climate observation and research. They can engage national stakeholders, civil society and local industry in discussion of national action plans. They can initiate work to estimate adaptation needs and to include them in social, economic and development planning. They can also monitor the publication of regular Government green accounting reports and make sure that parliaments are places in which innovative financial mechanisms and new technologies are amply discussed.

Under the heading of knowledge and its dissemination, parliaments can better foster understanding within communities of the threat of climate change and the action needed to avert

dangerous human interference in the climate system. They can also draw on their countries' experts from the most recent report of the Intergovernmental Panel on Climate Change to promote a better understanding at all levels of society of the climate change issue; disseminate a better understanding of the socially optimum level of mitigation; and monitor local news for misinformation about climate change and respond publicly where that is needed.

Under the third heading — technology transfer and capacity-building — parliaments can strengthen national support for the transfer of greenhouse-friendly technologies to developing countries and support capacity-building for adaptation to natural climate variables and humankind-induced climate change in developing countries.

In the international arena, the IPU campaign will seek to compile good practices, pin-pointing case studies where legislators have been instrumental in plans and projects that have proved their worth. Members of parliament will meet regularly to talk with the scientific community, so as to forge a shared understanding of what is practical and workable in societies, especially poor ones. Finally, they will channel those findings into the international arena in order to better inform international organizations of how progress can be made and how win-win solutions can take real shape.

The President: In accordance with resolution 47/4, of 16 October 1992, I now give the floor to Mrs. Anke Strauss of the International Organization for Migration.

Mrs. Krauss (International Organization for Migration): The International Organization for Migration (IOM) appreciates the opportunity to participate in this thematic debate on climate change to underline the issues of climate change, environmental degradation and migration.

As we have heard throughout this debate, discussion of the impact of climate change and environmental degradation on human mobility is not entirely new. As early as 1990, the Intergovernmental Panel on Climate Change (IPCC) had noted that

“the greatest single impact of climate change could be on human migration — with millions of people displaced by shoreline erosion, coastal flooding and agricultural disruption”.

Yet, until recently, comparatively little attention has been paid to the long-term migration consequences of predictable environmental forces. Therefore, it is an important and timely development that the discussion on climate change, including environmental degradation and its nexus with migration, has been revitalized and stimulated by the IPCC reports and the debates held here at the United Nations.

Both gradual climate change and great natural disasters will put at risk the inhabitants — particularly indigenous peoples — of coastal regions, low-lying islands and areas susceptible to drought, and may force them to move to safer areas. While no consensus exists thus far as to whether or not migration can be considered as a way of adaptation or as a failure of adaptation strategies, it is indeed often a survival mechanism for those affected. The implications of the climate change and migration nexus for human vulnerability, including its potential for sparking new, and reigniting old, conflicts, have yet to receive sufficient attention, both from policy makers and researchers.

IOM is currently promoting policy dialogue and research on that nexus. First, to establish effective policy approaches for managing the migratory causes and consequences of global environmental change, Governments and other stakeholders need to address a number of broad policy challenges, namely, by entering into a multi-stakeholder and multidisciplinary dialogue and cooperation, commencing early planning to address migratory consequences and the causes of environmental change, leveraging the development potential of migration as an adaptation strategy, and improving capacity-building and awareness-raising.

To advance that multi-stakeholder and multidisciplinary dialogue on policies and related issues, and in the context of the Greek chairmanship of the Human Security Network, IOM and the Government of Greece are organizing a conference, to be held next week in Geneva, to address the nexus of climate change and human security and its impact on vulnerable groups.

Secondly, research is another urgent priority. To advance this debate among researchers, the United Nations University, IOM and the Munich Reinsurance company are organizing an expert group meeting among multidisciplinary researchers on the theme “Towards a global agenda for research on migration

and the environment”, in order to define the research agenda on environmental migration. The experts aim at three primary goals, namely, assessing the existing knowledge base on environmental migration, promoting a new agenda of policy-oriented research on migration and the environment, and identifying key questions, research themes and innovative research methods needed for more accurate data collection and cross-cutting approaches to migration and the environment.

Recognizing that policy, research and operational activities need to be consistent in order to ensure the necessary coherence at all levels, IOM, along with humanitarian partners from the United Nations system and the Inter-Agency Standing Committee, is addressing the operational aspects of supporting environmentally displaced persons.

As the Secretary-General stated in his opening remarks at the September event,

“We know enough to act; if we do not act now, the impact of climate change will be devastating; and we have affordable measures and technologies to begin addressing the problem right now. What we do not have is time.”

As we speak, environmentally induced migration resulting from both climate processes and climate events is already uprooting communities and transforming cultures at an alarming rate.

The President: In accordance with resolution 54/195, of 17 December 1999, I now give the floor to Mr. Narinder Kakar, Permanent Observer of the International Union for the Conservation of Nature and Natural Resources.

Mr. Kakar (International Union for the Conservation of Nature and Natural Resources): The International Union for Conservation of Nature and Natural Resources (IUCN) applauds your initiative, Mr. President, to convene this thematic debate on climate change, which is very timely given the urgency of dealing with the issue. The debate also provides an opportunity to discuss ways to address climate change collectively.

It is important to realize that, although climate change will affect all, it is the poor and vulnerable who will be affected most severely. The international community’s actions must therefore be rooted in sustainable development and equity, while recognizing

the vulnerability of poor people, the need for economic growth and poverty alleviation, and a comprehensive approach to sustainable development, with its economic, social and environmental pillars. IUCN’s own work on climate change focuses on links between climate change, equity and biodiversity, and the opportunities and challenges that those links present for mitigating and adapting to climate change.

We are pleased that the need for collaboration between Member States, the private sector and civil society in efforts to address the challenges posed by climate change is being realized. IUCN fully supports efforts to develop such partnerships in order to respond to the key areas described in the Bali Action Plan.

IUCN works towards preventing biodiversity loss in support of human well-being. In that regard, we wish to highlight the value of biodiversity and the ecosystem services it provides in reducing the impacts of climate change. Activities aimed at increasing adaptation to climate change and resilience will secure livelihoods and reduce vulnerability to disaster. We therefore hope that biodiversity-related action towards climate change adaptation will be fully integrated into the development programmes of United Nations agencies.

In that context, partnerships at the local level are essential in order to ensure adaptation to climate change. IUCN highlights the crucial role of forest and water resources in climate change adaptation and the importance of capacity-building in sustainable ecosystem management to enhance adaptive capacity. In collaboration with the International Institute for Sustainable Development, the Stockholm Environment Institute in the United States and the Swiss Foundation for Development and International Cooperation, IUCN has developed a community-based risk screening tool for adaptation and livelihoods, which could be used by United Nations agencies in developing their programmes.

It is important that all stakeholders be engaged in the design of the new framework for reducing emissions from deforestation and degradation in developing countries. IUCN welcomes the decision adopted at the thirteenth Conference of the Parties to the United Nations Framework Convention on Climate Change, held in Bali, regarding the integration of reductions into a post-2012 agreement. IUCN believes that the new framework should, among other things, be

integrated into a broader strategy focused on securing deeper reductions of emissions from the use of fossil fuels, rather than on simply offsetting carbon emissions.

IUCN welcomes the decision adopted at the thirteenth Conference regarding the establishment of the Adaptation Fund, with equitable representation from developed and developing countries alike. As the Secretary-General emphasized earlier, significant new investments need to be made in financing for adaptation, including resources from multilateral institutions, together with the World Bank, the Global Environment Facility and other sources of multilateral and bilateral financing. Increased adaptation resources could also be raised through a more robust Clean Development Mechanism and philanthropic support.

It is very encouraging to see that the United Nations system is making efforts to harness the capacities of the system to the fullest and intends to align its strengths in a coordinated approach to climate change in order to support the efforts of Member States at the national, regional and global levels in tackling the multifaceted challenge presented by climate change. It is also commendable that efforts are being made to explore ways of making the United Nations more climate-friendly and environmentally sustainable and of developing a climate-neutral approach to United Nations premises and operations that would reduce its own carbon footprint.

Before closing, we would like to commend the work that the Intergovernmental Panel on Climate Change has done — and continues to do — to assess on a comprehensive, objective and transparent basis the latest scientific, technical and socio-economic literature relevant to the understanding of the risk of human-induced climate change, its impacts and options for adaptation and mitigation.

IUCN hopes that the United Nations will aim for a comprehensive and equitable post-2012 regime by 2009, with the inclusion of specific mitigation targets with the ultimate objective of preventing dangerous anthropogenic interference with the climate system. We also hope that the necessary support will be provided to all stakeholders for equitable and effective participation in the negotiations that will take place at the 14th Conference of parties to the UNFCCC in Poznan, Poland, this year and at the 15th Conference of parties in Copenhagen in 2009.

The President: In accordance with General Assembly resolution 48/265 of 24 August 1994, I now call on Mr. Robert Shafer, Permanent Observer for the Sovereign Military Order of Malta.

Mr. Shafer (Sovereign Military Order of Malta): The Sovereign Military Order of Malta recognizes the link between environmental health and social well-being and the implicit responsibility of the current generation, the United Nations community included, to secure the health of the planet for future generations. We are not merely consumers of a once seemingly boundless supply of natural resources, but stewards of an environment, which not only is limited in the fruits that it shares, but also sensitive to the way mankind uses those gifts.

As noted by the President of the General Assembly at its sixty-first session, during the informal thematic debate in July and August 2007, climate change is an issue of economic development as much as one of global justice and equality. Inaction on climate change would have serious social and economic implications and would magnify the existing inequalities between developed and developing countries. Projected climate change will exacerbate the occurrence of infectious diseases, such as malaria and dengue fever, and further strain the natural resources necessary for our survival. Widespread prevalence of infectious diseases leads to increasing levels of poverty. Poverty in turn is strongly associated with infectious diseases not typically associated with climate change, such as HIV/AIDS, and in many situations leads to civil unrest.

Members and volunteers of the Order, who live in the service of others, of the poor and the sick, regardless of their race, origin or religion, bear daily witness to that painful cycle and understand that all three aspects must be addressed. The United Nations must strengthen public health planning capacities, including through improved monitoring and evaluation of climate and health impacts; strengthen health systems to enable them to provide protection from climate-related health risks; and adopt a more forward-looking preventative approach to health protection.

The most important cause of the current climate change crisis is human activity and its energy requirements, which is at the heart of this climate agenda. We have allowed it to become an extraordinary crisis, and it therefore demands an extraordinary

response from all of us, individually and collectively. True stewardship requires a keen awareness of the environment and challenges us to use our intelligence, ambition and ability to adapt and innovate to discover the Earth's productive potential in an environmentally sustainable way while satisfying our needs. The United Nations must facilitate and motivate that reform of human activity by drawing on its strengths; providing a neutral forum for brokering negotiations; establishing trust and galvanizing high-level political support; and securing participation, engagement and ownership of a broad constituency of Members.

To conclude, sensitivity to the fragility of the only place that humans can call home must be cultivated and nurtured through renewed education in solidarity. Such teachings exalt the principles of respect for one another, for the recognition of that which is great within all of us, even if unseen, and for understanding and patience. With those beliefs, the prospect of delving into a difficult task, such as stemming the tide of environmental destruction brought about through climate change, will be seen as necessary and right in order to preserve a viable home planet for future generations.

The President: In accordance with General Assembly resolution 3208 (XXIX) of 11 October 1974, I now call on Ms. Maria Spatolisano of the European Community.

Ms. Spatolisano (European Community): 2008 is a crucial year for addressing climate change. By convening this debate of the General Assembly, Mr. President, you offer to all of us a timely opportunity to contribute to making progress in the right direction, for which we thank you.

We know climate change is happening. The evidence is irrefutable and has been piling up for some time. We know that climate change can only be tackled on a world scale and the window of opportunity for action on climate change is closing. The longer we wait to act, the worse the impact of climate change and the greater the challenge.

It is time to move from words to action. A new framework for action must be agreed before the current international commitments under the Kyoto Protocol come to an end in 2012. That requires, first and foremost, a strong political will to tackle this global challenge from the world's largest emitters of greenhouse gases.

The European Union's objective is to limit the rise in average global temperatures to two degrees above pre-industrial levels. To send a clear signal to partners around the globe, the European Union took on an independent commitment to reduce its greenhouse gas emissions relative to 1990 levels by at least 20 per cent by the year 2020 and by as much as 30 per cent as part of a global agreement, in which all developed countries commit to comparable efforts and developing countries also contribute.

On 23 January 2008, the European Commission presented the legislative climate action and renewable energy package, which will be instrumental in shaping a response in line with our commitments. The climate action and renewable energy package will enable the European Union to achieve sharp cuts in greenhouse gas emissions and a major increase in renewables through a combination of cost-effective action through the carbon market and a fair sharing of the effort between member States.

Those proposals could make an important contribution to strengthening climate action globally. Allow me to briefly explain how.

First, a new international agreement on climate change is essential. Only global action — under the leadership of developed countries but with a meaningful contribution by emerging economies — can deal effectively with this global challenge. The United Nations climate conference in Bali in December 2007 brought the breakthrough we needed by deciding that a global agreement for the period after 2012 should be reached by the end of 2009. I believe the European Commission's climate action and renewable energy proposals will help the forthcoming negotiations in two main ways.

First, the political importance of leading by example is considerable.

The EU is responsible for approximately 14 per cent of worldwide emissions and this share is falling. Our package has a role to play here. It shows that making the deep emissions cuts necessary to avert dangerous climate changes is fully compatible with continued economic growth and prosperity.

The second way the European Community package could make a useful contribution to an international agreement is through its approach to effort-sharing among different countries. Currently

within the EU, there is a 23-fold difference in the average wealth per person between the richest member State and the poorest. The mechanism we devised for our package allows poorer member States to continue growing while they reduce or keep their emissions below the usual level for businesses. We are, in fact, giving practical effect to the international principle of "common but differentiated responsibility".

Let me add that the stakes could not be higher. With world temperatures rising at an accelerated rate, the challenge is not just to reach a post-2012 climate change agreement. It is to ensure that we are ambitious enough to prevent climate change from reaching devastating levels over the coming decades, which could put the lives of millions in danger and impose a crippling burden on our economies.

This brings me to the second point I want to highlight. The climate action and renewable energy proposals of the European Commission take as their starting point the cut of at least 20 per cent of greenhouse gas emissions relative to 1990 and this commitment is unconditional. But it has also put in place the arrangements for scaling up the emissions reduction to as much as 30 per cent, once a global agreement is reached.

We believe that a 30 per cent cut in collective emissions from developed countries is needed by 2020, if we are to have a chance of stopping global warming before it reaches dangerous levels. It is with this responsibility in mind that the EU leaders have endorsed the 30 per cent cut that the EU has argued for in Bali. We will continue arguing for it, as the next necessary step towards an ultimate reduction in global emissions of at least half by 2050.

The package of the Commission foresees that emission reduction targets will be scaled up automatically and proportionally in line with a higher international target. This means we are fully prepared to make a cut of up to 30 per cent by 2020. We also create a strong incentive for third countries to join the future global agreement by proposing that only emission credits from countries that ratify it should be accepted by EU Governments.

My third and final point concerns the European Union's emissions trading scheme. By adopting our independent commitment, the EU is also sending a clear signal to the business community, namely, that the carbon market will continue without interruption.

In fighting climate change, we will need to make better use of markets. Emissions trading is the key tool for achieving emission reductions at the lowest cost.

For us, there is no question that the global carbon market must play a central role in a post-2012 climate agreement so as to limit the costs of the deep emission reductions that will need to be made globally. In this respect, public-private partnerships have a major role to play. Public authorities can facilitate the creation of a framework and long-term incentives to attract private investment towards activities that contribute to low-carbon economic development. In fact, the largest share of investment and financial flows for addressing climate change comes from the private sector, namely, 86 per cent, according to the report of the secretariat of the United Nations Framework Convention on Climate Change (UNFCCC).

Climate change affects everyone on this planet. For some, it is their very survival that is in question. We are talking about their home, their livelihood, their food and the water they drink; all of that is at stake and the human dimension of the impact of climate changes must be taken into account. But climate change is a worldwide phenomenon. It cannot be overcome by one country or group of countries, no matter how rich or powerful. All major emitters must take action, and all nations must participate in the effort by adopting the right policies in a timely way.

The United Nations has to lead global efforts to address this global challenge. No organization is better suited to dealing with these issues. Climate change is a global problem and requires global solutions. The United Nations family of agencies, funds and programmes is best placed to act in an increasingly coherent manner to support Member States, during both the negotiation and the implementation phases of a new climate change agreement. We welcome, in this respect, the work led by the Chief Executives Board.

We would like to conclude by reaffirming the active support of the European Commission for the multilateral negotiations under the UNFCCC and the United Nations role in this area.

The President: We have heard the last speaker in this thematic debate. At this very late hour, I am afraid I can offer you no more than my closing remarks.

Let me begin by saying how grateful I am to Member States for powerfully articulating a clear

message that climate change must remain one of the top priorities of the United Nations. The number of delegations that have spoken, 115 in total, is a testament to the importance of taking immediate practical action to address climate change.

Over the past three days we have heard some compelling reasons why the United Nations should promote integrated partnerships and approaches with all interested stakeholders, in particular the private sector and local authorities, so as to successfully overcome the threat that climate change presents to our way of life.

But this does not mean that, as individuals, we should feel disempowered by the scale of the challenge. Small contributions add up. Many of our speakers, indeed, made the case that we can all make a difference through simple changes in our daily behaviour.

There is a general conviction that has emerged from this debate and the panels. This is, that the actions necessary to address climate change are so intertwined that they can only be tackled through combined efforts.

Long-term targets to reduce carbon emissions must go hand in hand with adapting to the global warming that is already taking place and which could accelerate. We need to do this because we want more growth, more development, but, at the same time, we must also secure our planet and safeguard our future. In support of this approach, there is no doubt among Member States, as demonstrated during the debate, about the nexus of the relations between climate change and sustainable development.

The United Nations Secretariat must now respond by developing policy solutions that can help Member States answer some of the questions that I and others have posed during the debate. For example, we need a better understanding of how to mainstream climate change into nationally owned development strategies; we need clearer advice about how to prepare for a strengthened United Nations Framework Convention on Climate Change regime, in particular, clearer guidance to facilitate access to financial resources and investments; we need more comprehensive proposals on how to achieve coherence and promote synergies within the United Nations system in order to close the implementation gap; we need to know how the United Nations can most effectively stimulate financial flows for adaptation, mitigation and climate-resilient

development; finally, we also need to know how the United Nations system can best support developing countries in adapting to the inevitable impact of climate change.

The challenge for us now is to implement policies globally that can create low-carbon economies and promote sustainable economic growth and provide incentives for individuals to change behaviour. Member States, regional and multilateral organizations must therefore develop stronger, more mutually supportive partnerships with the private sector. The United Nations, through the Global Compact, already has made a head start to promote more ethical, global corporate leadership.

It is clear that, when leading global businessmen, like Sir Richard Branson and Mayor Michael Bloomberg of New York City are willing to throw their weight behind the United Nations General Assembly, the private sector and local government take this issue extremely seriously. Moreover, they recognize the contribution that we can make.

By bringing in business creativity and innovation, we have a real opportunity to create a virtuous cycle whereby Member States — providing market incentives and a clear enabling framework for the private sector — bolster confidence in green investment over the long term.

Increasingly, many developed countries are demonstrating their willingness to provide fresh financing and to enhance the critical roles played by international financial institutions and the private sector to reduce greenhouse gas emissions. That is key, because the importance of accelerating technology transfers to developing countries and securing sufficient financing for adaptation and mitigation cannot be underestimated.

In that regard, the General Assembly has sent a clear signal to the World Bank and the donor community to scale up investment in developing countries to support national and international efforts to address climate change. The United Nations system also has a significant role to play in facilitating those goals and Member States' own initiatives on climate change.

Member States recognize that the United Nations is best placed to provide an integrated response to the complementary challenges of addressing climate

change and achieving the Millennium Development Goals. The system also has an important role in raising awareness globally, generating broad-based support and providing technical cooperation to ensure the full implementation of existing and future agreements under the UNFCCC. To support that process, it is extremely important that Member States work speedily and cooperatively to agree on the principles of a strategic policy framework to steer the United Nations system's activities on climate change.

Finally, I would like to thank all Member States for their insightful contribution to this thematic debate, "Addressing climate change: the United Nations and the world at work". We have heard various comments on the Secretary-General's report. There appears to be a general understanding, however, that further work is necessary.

Given the sense of urgency expressed by many, I propose that, in due course, the Secretary-General provide the General Assembly with a more detailed briefing on efforts to strengthen and coordinate the United Nations activities on climate change. Furthermore, and in order to give continuous consideration to climate change within the General Assembly, I intend to convene two meetings so that we have the opportunity to consider specific aspects of the climate issue in more detail. One will focus on the needs and concerns of vulnerable countries, and the other on corporate responsibility and sustainability.

The General Assembly has concluded its thematic debate entitled "Addressing climate change: the United Nations and the world at work". The General Assembly has thus concluded this stage of its consideration of agenda items 48, 54 and 116.

The meeting rose at 8.55 p.m.

Annex 601

Oral statement by Liechtenstein at the twenty-first session of the Conference of the Parties (COP 21) to the United Nations Framework Convention on Climate Change (UNFCCC), 1 December 2015

EIG Opening Statement for COP21 and CMP11

Paris, France, 1 December 2015

Thank you, Mr. President

I have the honour to deliver this statement on behalf of the Environmental Integrity Group, comprising Liechtenstein, Mexico, Monaco, the Republic of Korea and Switzerland.

Let me first thank the government and the people of France as well as the authorities and the people of Paris for hosting this Conference of the Parties. We also express our full solidarity to the French people in grief after the Paris terror attacks. Let me assure you that the French presidency has our full support in guiding us through this two weeks in order to deliver an outcome that sends a strong signal to the outside world.

The last months proved us that we are capable of addressing global climate change collectively: over 90% of the Parties to the Convention submitted their **INDCs**. This is unprecedented and a crucial step into the right direction. However, we should not forget that the hard work is yet to be done. The implementation of these and future commitments demands an increase of national and international efforts in order to reach the below 2°C-target. For this to be reached effectively, we need a legally-binding global framework that enables robust action by all Parties.

Mr. President, we did not come to Paris to adopt just some kind of an agreement. We came to Paris to adopt an agreement that is worth the time and energy spent. We came to Paris to adopt an **ambitious, robust, dynamic and durable** new agreement

applicable to all that will set us on the pathway towards low-carbon and resilient societies and economies.

In order to adopt a durable and dynamic agreement, we need to take a **pragmatic and flexible approach** to differentiation whereby all Parties have obligations in accordance with their responsibilities, capabilities and national circumstances.

To ensure the **robustness** of the agreement we need common rules and a unified transparency system that allows for a global aggregation of emissions without overburdening countries with limited capacities. Furthermore, we need a mechanism to continuously increase our ambition over time in all areas of the agreement.

We recognize the crucial role of the mobilization of **climate finance** and support to developing countries, in particular the poorest and most vulnerable, to implement the agreement. Over time all finance flows should promote and be consistent with the urgently needed transformation to low-carbon and climate-resilient economies.

The journey needs to continue **after Paris**: besides important elements to be decided here in Paris, we should set up a robust work program for the operationalization of the Paris agreement to make it fit for purpose from 2020. Furthermore, we need to continue to strengthen the international regime up to 2020.

Mr. President, the EIG came to Paris well prepared and ready to work hard with all Parties and the French presidency during these two weeks to reach such an ambitious global agreement.

Thank you Mr. President

Annex 602

Oral statement by Japan at the twenty-first session of the Conference of the Parties
(COP 21) to the United Nations Framework Convention on Climate Change
(UNFCCC), undated

COP21 閣僚級セッション 丸川環境大臣ステートメント（案）

（はじめに）

Thank you, Mr. President and distinguished delegates.

First of all, I would like to express my deepest condolences on the lives taken away and the injured by those horrible terror attacks. In the meantime, let me express my sincere gratitude to France for the excellent leadership as the COP21 Presidency. Japan also dedicates all of our efforts for the successful outcomes in the Paris agreement.

（新たな枠組みに対する考え）

Climate change is an urgent threat for human beings and the planet. It is a sign of the progress in our global efforts that the INDCs covering more than 95% of the total emission have submitted.

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On the other hand, it is indicated that further mitigation efforts beyond the INDCs are required for achieving the 2-degree goal. In terms of global emission reduction, we need to make the framework applicable to all and effective as much as possible.

The Paris Agreement should enhance our ambition to reduce emissions over time by setting a global long term goal, a cycle whereby all Parties revisit and update their mitigation contribution every 5 years, and a unified but flexible transparency system that requires every country to report and to be reviewed on the progress of its implementation. We also support provisions of Global Stocktake in the legal agreement. It is important that each party utilizes the outcome of the global stocktake when developing its future actions.

（我が国の貢献：国内）

Japan steadily undertakes the emission reduction action in accordance with the long term goal which we have expressed in our future vision internationally and domestically. We submitted a target of 26% emission reduction of GHG by 2030. We will steadily implement the measures to achieve the target. We will establish a Plan for Global

Warming Countermeasures as soon as possible based on the COP21 agreement. Beyond that, we have the long term goal of emission reduction of GHG by 2050 in the Basic Environmental Plan. We address the climate change issue, through the transformation of the economy and social systems and lifestyles.

We utilize the tax revenue from the “Carbon Tax as Global Warming Measures,” which we introduced in 2012, to improve energy efficiency and to promote renewable energy nation-wide. We also attempt to develop and promote innovative low carbon products and technologies following LED.

The outcome of those measures is emerging. The total GHG emission in Japan had been increasing since the time around the Great East Japan Earthquake, until 2014 when it was reduced by 3% from the previous year. We will proactively promote the global warming measures furthermore.

In recent years Japan has been hit by extreme ~~weather~~^{weather} events such as powerful typhoons the negative impacts of global warming become noticeable without distinction between developing countries and developed ones. Japan has recently developed its national adaptation plan based on detailed impact assessment, and will implement concrete measures according to the plan.

(我が国の貢献：国外)

During the Leaders Event, Prime Minister Abe announced the “Actions for Cool Earth 2.0 (ACE 2.0)”. In order to support developing countries which take actions to cope with climate change, Japan will provide, in 2020, approximately 1.3 trillion Japanese yen of public and private climate finance, 1.3 times up from the current level, to developing countries. Also by strengthening the development of innovative technologies, Japan will strongly uphold global climate action.

Japan has established the Joint Crediting Mechanism with 16 countries. 50 registered projects are implemented including the installation of energy conservation facility at a cement factory in Indonesia and the improvement of transmission efficiency in Vietnam.

We will continue with the steady and concrete international contributions through the inter-city cooperation and capacity building programs, by utilizing our leading low-carbon technologies, experiences and human resources on environmental management.

Taking advantage of our experiences on the Japan's adaptation planning, we will contribute to global transformation to climate resilient society by supporting for the development of adaptation plans and climate change impact assessments in developing countries. We are also making efforts to strengthen the knowledge sharing networks, such as the Global Adaptation Network (GAN) in order to share information and experiences across the region.

(おわりに)

This COP21 is a starting point for the world to collectively tackle with climate change. I swear to do my best to contribute to the success of COP21 in order to meet the strong will that leaders of states have shown.

(Thank you.

Annex 603

Official records of the 24th meeting of the General Assembly held on 5 October 2016,
A/71/PV.24



General Assembly

Seventy-first session

24th plenary meeting
Wednesday, 5 October 2016, 10 a.m.
New York

Official Records

President: Mr. Thomson (Fiji)

*In the absence of the President, Mr. Balé (Congo),
Vice-President, took the Chair.*

The meeting was called to order at 10.10 p.m.

Agenda item 109 (continued)

Report of the Secretary-General on the work of the Organization (A/71/1)

Mr. Pisarevich (Belarus) (*spoke in Russian*): We are grateful to the Secretary-General for his comprehensive report (A/71/1) on the work of the Organization over the past year.

We have turned yet another important page in the history of the United Nations, as we have adopted a new Agenda for Sustainable Development for the next 15 years. Much remains to be done in order to ensure that the achievement of the Sustainable Development Goals is more successful than that of the Millennium Development Goals. In that regard, we agree with the Secretary-General's opinion that, in order to achieve the Goals by 2030, priority must be given to preventing and ending new and ongoing conflicts. In that context, an important role falls to preventive diplomacy and mediation.

A milestone last year was marked by the signing of the Paris Agreement on Climate Change, in accordance with which States committed to laudable goals, which will contribute to building a healthier, safer and more prosperous future for us all. Indeed, much has been achieved during the reporting period. However, we should not forget that we have been compelled to

undertake many of our activities because of short-sighted policies in the past and the failure to resolve issues in a timely matter, such as, for example, the recent massive displacement of refugees and migrants. Numerous negative events taking place today could have been avoided had the world been more stable and predictable.

Against the background of a number of important resolutions adopted by the United Nations, it must, unfortunately, be noted that the Organization has increasingly neglected the spirit of unity when initiatives are imposed on States that have been supported by only a few countries. That has consequently led to the violation of the provisions enshrined in the Charter of the United Nations and a complete disregard for the sovereign rights of States. We are increasingly witness to unilateral interpretations of existing international law and codes of ethics. Unfortunately, the unilateral and non-transparent promotion of confrontational ideas has become characteristic of the Secretariat. The impartiality of the Secretariat is of critical importance if we wish to preserve the unity of the States Members of the United Nations.

In summing up the work of the United Nations over the past year, we must address vital internal matters relating to the Organization. It is no secret that, with regard to Headquarters and the organization of work and the logistics of the United Nations, the Secretariat is not always on the same page as Member States. The Secretariat has established many bureaucratic internal rules that often create obstacles to carrying out the work of the United Nations. Furthermore, very frequently,

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interaction takes place on a transactional basis: the Secretariat furnishes Member States services for which they have already paid through the salaries paid to Secretariat staff. We believe that additional funding of the United Nations is something that should be done only on a voluntary basis.

We believe that it is important to ensure that the Secretariat publish *The Journal of the United Nations* in all six official languages throughout any given session of the General Assembly. The issue is not one of purely technical importance. First and foremost, it is a matter of respecting the tradition of multilingualism in the Organization. In that regard, we would also like to direct the attention of the General Assembly to the role of translation and interpretation as a profession, art and tool for building trust and understanding among peoples. As a gesture of the importance that we attribute to that subject, we suggest establishing an international day for translation and interpretation.

Today more than ever, we need to learn how to work in partnership. Any action or innovation on the part of the Secretariat that affects the working conditions of the Missions of Member States at Headquarters needs to be coordinated with Member States. We believe that looking for effective forms of cooperation between the Secretariat and Member States must become a priority for the next Secretary-General. But we are even more concerned by the trend leading to the excessive bureaucratization of our work as Member States. Given the complexity and breadth of the United Nations, carrying out our work would not be possible without a minimum number of rules. However, real-time action carried out by the Organization for the benefit of the well-being of countries and peoples should not be held hostage to formal and bureaucratic procedures, especially when development depends upon it.

Belarus and many other countries have therefore been viewing with concern the fact that at the onset of the implementation of the 2030 Agenda for Sustainable Development, our joint plan of action is already being held hostage by routine and pro forma approaches. Instead of practically implementing the ideas in the Agenda, we are now engrossed in optimizing, synchronizing and compiling reports and resolutions. We will therefore not only fail to achieve the sustainable and equitable development of peoples and countries, but will also risk worsening the image of the United Nations as a bureaucratic mechanism far removed from the needs of the world's population.

Of course, the Organization alone cannot solve issues involving sustainable development for national Governments. But the United Nations must be the global coordinating centre for dealing with questions of development. Belarus has already spoken in favour of ensuring that the United Nations become a focal coordinating centre, gathering resources in expert assistance, financing, technology and the means of implementation. For those countries truly in need of support in the implementation of the Agenda for Sustainable Development, that will be much more important than the formal approaches to work following the usual bureaucratic methods.

We also believe that the United Nations system needs to be better adapted to meeting the differing needs of countries in line with their national priorities. More than anyone else, national Governments know their countries' problems. The United Nations development system should therefore not decide a priori the question of what needs to be done. The development system must help States answer the question of how to achieve various results. Unfortunately, there is no universal formula for achieving the Sustainable Development Goals, because countries have different needs and different ways of achieving them. We therefore expect the United Nations to concentrate more on unique approaches and problem-solving by taking into account the specific characteristics and peculiarities of each country.

We believe that the United Nations must finally pay more attention to middle-income countries. Two thirds of all the poor people in the world live in those countries, which also account for a significant number of young people, who are highly vulnerable to external economic challenges. Any change in the world economy runs the risk of undermining all those countries' efforts aimed at achieving sustainable development.

What is key to successfully overcoming current problems is to ensure that we prioritize the activities of the United Nations. Strengthening the United Nations does not imply only the internal reorganization of the Secretariat. It must involve pursuing the kind of United Nations policy that strives to reinstate the authority of the Organization and ensure that the world is helped through its decisions.

In conclusion, I would like to express my appreciation to Mr. Ban Ki-moon for his work as Secretary-General. We hope that the next Secretary-General will maintain

the positive traditions of the United Nations and continue guiding the United Nations family in a spirit of cooperation, mutual respect, healthy rationalism and real progress.

Ms. Lodhi (Pakistan): We welcome the Secretary-General's annual report (A/71/1) on the work of the Organization, which provides a comprehensive account of the activities of the United Nations over the past year, as well as its accomplishments, and identifies challenges for the next year.

The founding fathers of the United Nations acknowledged the indivisibility of peace and security, on the one hand, and economic and social development, on the other — the immutable reality that there can be no peace without development and no development without peace. Last year, we made much progress towards the achievement of one of those pillars by collectively endorsing the transformative new 2030 Agenda for Sustainable Development. That and the Paris Agreement on Climate Change marked significant and historic milestones. We are now entering the implementation phase. Together, we must deliver on the pledges that were made. We will be judged, after all, not by our intentions but by our actions.

Can we similarly be optimistic about our quest to save succeeding generations from the scourge of war? Turmoil in the Middle East; conflicts raging from Syria, Libya and Yemen to Afghanistan; tensions in and around Europe; the continued plight of people living under foreign occupation in Kashmir and Palestine; the unprecedented scale of suffering caused by human dislocation; the growing threat of violent extremism; the spread of intolerance and xenophobia; and the real threat to peace and security in my own neighbourhood are all indications not of what we have achieved, but of what still remains to be done in a world that is more fragile, yet more polarized. We have to ask ourselves, then, whether we have been able to live up to the promise and expectations generated by the Charter of the United Nations. Have we been able to move towards a fairer and more equitable and peaceful world, based on law and justice? After all, it is only by implementing the Charter in both letter and spirit that we can create a world free of conflict, where really no one is left behind.

Pakistan believes that, in our turbulent yet interdependent world, the United Nations continues to be indispensable to our efforts to restore order and ensure global peace, stability and prosperity. Its

principles remain the crucial pillars for international legality, a guide for the conduct of Member States and the guarantor of the legitimate rights of all nations and peoples. But, in order for the United Nations to regain its credibility as the central instrument for promoting peace, prosperity and liberty, it must be more representative, transparent and accountable. For that reason, my country supports comprehensive and democratic reform of the Security Council, aimed at enhancing its relevance and representativeness without creating new centres of power and privilege.

The reviews conducted over the past year on peacekeeping, peacebuilding and resolution 1325 (2000), on women and peace and security, have shone a light not only on the Organization's achievements in those areas but also on the shortcomings that need to be addressed. We stand ready to take those processes forward during the seventy-first session. Pakistan's long-standing and unwavering commitment to United Nations peacekeeping has been acknowledged by everyone, and we have a significant stake in the success of that flagship enterprise. Arguably the most important message to emerge from the reviews is the need for prevention and mediation in managing conflicts and the need to stop them from occurring in the first place. Increasing the capacity of the United Nations in those areas is therefore imperative. And yet we see India continuing to reject the offer of the Secretary-General's good offices aimed at resolving long-standing disputes in our region.

The terrorist threat has become more pervasive and is evolving in complex and unpredictable directions, posing an ever greater danger to international peace and security. Countering terrorist entities such as Da'esh is possible only by ensuring international collaboration and reconciling the divergent interests of the regional and external Powers in the Middle East. Pakistan has been at the forefront of the global campaign against terrorism. We have lost tens of thousands of lives in that fight. The blood that has been shed, including that of our innocent children, has only strengthened our resolve to eliminate that scourge from our country. We will fight terrorism in all its forms and manifestations, whether sponsored by militant organizations or by hostile Powers in our region. We have made substantial gains, but our campaign will end only when the last terrorist is eliminated from our country.

The sovereign equality of States, the settlement of international disputes by peaceful means and

the avoidance of the use or threat of use of force are fundamental principles enshrined in the Charter of the United Nations. It is those very principles that inspire us to look to the United Nations to play its appropriate role in promoting lasting peace in South Asia and live up to its long-standing obligations to the people of Kashmir. India's continued denial of the right of self-determination to the people of Jammu and Kashmir, promised in several Security Council resolutions, has sparked another indigenous and popular uprising in occupied Kashmir and has also led to tensions in the region. The struggle of the Kashmiri people for self-determination is a legitimate one, and they have the right to expect and receive moral and political support from the international community.

The United Nations is under an obligation to play a role in bringing an end to human rights abuses and facilitate a peaceful settlement of the Kashmir dispute, in line with the aspirations of the Kashmiri people, through a free and fair plebiscite held under United Nations auspices. We reiterate our demand for an independent inquiry into human rights abuses in occupied Kashmir and welcome the call from the United Nations High Commissioner for Human Rights for unfettered and unconditional access in order to enable impartial monitoring of the human rights situation there. Sadly, India does not even allow the United Nations Military Observer Group in India and Pakistan, one of the earliest missions ever deployed by the United Nations, to fully function in accordance with its mandate and report to the Security Council, so that it can address threats to international peace and security.

It is regrettable that by its recent declarations and actions, India has created conditions that pose a threat to peace and security in the region. Over the past few weeks India has engaged in unprovoked shelling across broad areas along the Line of Control. That continues even as I speak. Pakistan has exercised the greatest possible restraint in the face of such belligerence, because we know only too well that such a tense and fraught situation can easily spiral into uncontrolled escalation. Pakistan wants a peaceful resolution to all outstanding disputes, especially in Kashmir, where today a settlement is more urgently needed than ever. We stand ready to engage in a meaningful dialogue in the interest of all of the people of our region. But it is for India to take the first step, because it is India that has exacerbated the current situation.

Finally, we can address the daunting security and development challenges confronting the world today and achieve our shared goals only by strict adherence to the principles of the Charter of the United Nations. The path to a more peaceful, just and prosperous world lies in cooperative endeavours promoted through effective multilateralism, to which my country remains fully and firmly committed.

Mr. Wu Haitao (China) (*spoke in Chinese*): The Chinese delegation welcomes the Secretary-General's report (A/71/1) on the work of the Organization. Over the past year, in the face of a very complex international situation and global challenges, the United Nations has promoted multilateral cooperation and made outstanding progress in the areas of peace and security, development, women's empowerment, climate change, and migration and refugees, public health and counter-terrorism. The efforts of the United Nations over the past year have therefore focused on global trends and on supporting the interests of Member States. China commends Secretary-General Ban Ki-moon and the Secretariat for their work in that regard, and would like to take this opportunity to thank the Secretary-General for his efforts.

Today, even as one or another regional conflict or hotspot subsides, others appear, and traditional and non-traditional security threats become intertwined. Globally, economic recovery continues to be weak and lacking in the momentum needed for sustainable development. During the current session of the General Assembly, the international community should therefore focus its efforts on building a community of common destiny for humankind and coordinate its actions in order to address our global challenges.

First, we must adhere to the purposes and principles of the Charter of the United Nations in order to create a global climate conducive to peace and stability. We must uphold the spirit of the Charter and nurture a new concept of common, comprehensive, cooperative and sustainable security and promote a global partnership that features dialogue instead of confrontation as well as partnership instead of alliance. We should stay committed to settling regional hotspot issues through political means, make further efforts in conflict prevention and other areas, strongly uphold the international nuclear non-proliferation regime, actively promote international counter-terrorism cooperation, and develop synergies in the area of maintaining international peace and security.

Secondly, we should step up our contributions to development and further promote international development cooperation. The international community's first priority should be to put an end to hunger and poverty, and to that end Member States should combine their efforts and work to achieve comprehensive implementation of the 2030 Agenda for Sustainable Development. North-South cooperation should be maintained as a main channel. Developed countries should make good on their official development assistance commitments to help developing nations improve their people's livelihood and accelerate their development, while developing countries should further promote South-South Cooperation and make efforts to achieve collective self-sufficiency.

Thirdly, greater priority must be given to international cooperation and proper measures must be taken to tackle global challenges. On the issue of refugees, we must first ensure that refugees are provided with the basic necessities of life. Of fundamental importance is to eliminate the cause of war and restart development so as to address the root causes of the issue. With regard to public health security, the international community should support the countries concerned in their efforts to establish public health emergency response and management mechanisms, improve grass-roots prevention and control systems, enhance prevention awareness among the general public. Regarding climate change, Member States must adhere to the principle of shared but differentiated responsibility, equity and respective capabilities, jointly deal with climate change and push for the universal acceptance and early entry into force of the Paris Agreement.

In his address to the General Assembly as it marked the seventieth anniversary of the United Nations (see A/70/PV.13), China's President Xi Jinping discussed the importance of fashioning a new kind of international relations based on win-win cooperation and made important proposals regarding support for the United Nations. Those measures are being implemented. At the Group of 20 Summit meeting held recently in Hangzhou, participants reached the Hangzhou consensus on global economic development. A blueprint was drawn for building an innovative, invigorated, interconnected and inclusive world economy. Participants pledged to actively implement the 2030 Agenda for Sustainable Development and formulate an action plan for it, thereby bringing new vigor to sustainable development efforts around the world.

During the general debate in the Assembly at its seventy-first session, the Chinese Premier, Li Keqiang, stated (see A/71/PV.11) that China ready to take an active part in international cooperation and support an even greater role of the United Nations in the implementation of the 2030 Sustainable Development Agenda. China will continue to strengthen its cooperation with the developing countries and will do whatever it can to help African countries and the least developed countries.

As a permanent member of the Security Council and the world's largest developing country, China is a builder of world peace, a contributor to global development and a defender of and a defender of the international order. We have made significant contributions to the maintenance of international peace and the promotion of common development, and are ready to cooperate with the great majority of Member States, firmly practice multilateralism, uphold the principles and purposes of the Charter of the United Nations and promote an even greater role for the Organization in international affairs, with a view to advancing the cause of peace, development and progress for all humankind.

Mr. Phansourivong (Lao People's Democratic Republic): I have the honour to deliver this statement on behalf of the 10 States members of the Association of Southeast Asian Nations (ASEAN), namely, Brunei Darussalam, Cambodia, Indonesia, Malaysia, Myanmar, the Philippines, Singapore, Thailand, Viet Nam and my own country, the Lao People's Democratic Republic.

I wish to begin by thanking the Secretary-General for his comprehensive annual report (A/71/1) on the work of the Organization, which provides a detailed overview of the activities, achievements and challenges of the United Nations on a wide range of issues of common interest and concern to all humankind. As this is Mr. Ban Ki-moon's last year as Secretary-General, I also wish to congratulate him and thank him for his tireless efforts over the past 10 years to promote peace, development and human rights in the world. I hope that his successor will continue his good work.

On 31 December 2015, ASEAN marked one of the most significant events in its history as it reached a key milestone in its community-building efforts by establishing the ASEAN Community. Next year, in 2017, ASEAN will turn 50, an important occasion that its member States will mark with pride and joy. As an outward-looking intergovernmental regional organization, ASEAN continues to consider the work

of the United Nations very important and greatly values its cooperation with the Organization. Among other examples of that link, the ASEAN Charter has a provision expressing its commitment to upholding the Charter of the United Nations and international law. Furthermore, the convening of the annual ASEAN-United Nations Summit, the ASEAN Foreign Ministers' meeting with the Secretary-General and the President of the General Assembly, the implementation of the just-completed 2014-2015 ASEAN-United Nations work plan, and the adoption of a 2016-2020 plan of action to implement the Joint Declaration on Comprehensive Partnership between ASEAN and the United Nations all clearly reflect ASEAN's commitment to strengthening its cooperation with the United Nations.

We are very grateful for the Secretary-General's participation in the recent eighth ASEAN-United Nations Summit, held on 7 September in Vientiane, and the annual meeting of ASEAN Foreign Ministers with the Secretary-General and the President of the General Assembly, held on 22 September on the sidelines of the general debate of the seventy-first session of the General Assembly here at Headquarters. In the light of that, ASEAN will submit a draft of the biennial resolution entitled "Cooperation between the United Nations and ASEAN" to the Assembly at its current session, so as to identify areas of cooperation and help address the challenges that Member States face in areas such as sustainable development, poverty, climate change, peace and security, human rights, the rule of law, disarmament and terrorism. I therefore look forward to continued support for, and sponsorship of, the draft resolution from all Members of the United Nations.

In his report, the Secretary-General highlights the achievements of the Millennium Development Goals, the need for the effective implementation of the 2030 Agenda for Sustainable Development — the framework for global development for the next 15 years — and the promise made by Member States to leave no one behind. ASEAN also believes in the importance of sustainable development in helping to secure a rule-based, people-centred ASEAN community, as envisioned in ASEAN's Community Vision 2025, guided by the purposes and principles of the ASEAN Charter, which will serve as a solid foundation for ensuring peace, stability and prosperity in the region and for emphasizing the complementarity between the implementation of both the 2030 Agenda and ASEAN's

Community Vision 2025, with the goal of raising our people's standards of living so that no one is left behind.

ASEAN is also striving for inclusive and sustained growth. Consisting as it does of 10 countries with varying levels of development, ASEAN has been making efforts to narrow the development gap among its members through its successive Initiatives for ASEAN Integration Work Plans, currently at the beginning of their third phase with the recent adoption of Work Plan III. I therefore welcome the continued support of our dialogue partners, the United Nations and other external partners in our efforts to strengthen the ASEAN Community, which was established on 31 December 2015.

The Secretary-General pointed out that climate change poses a challenge to the achievement of sustainable development and the eradication of extreme poverty. In that regard, ASEAN welcomes the signing and ratification of the Paris Agreement on Climate Change by Member States and the beginning of work on the modalities, procedures and guidelines for its implementation. In addition, ASEAN is committed to improving the management of ASEAN's diverse ecosystems and landscapes, including its vulnerable terrestrial, coastal and marine ecosystems, through a landscape-based approach aimed at building climate resilience.

On human rights, ASEAN has made progress in its institutional development since the entry into force of its Charter. Some highlights include the milestone adoption of the ASEAN Human Rights Declaration in 2012 and the Declaration on the Elimination of Violence against Women and the Declaration on the Elimination of Violence against Children in ASEAN in 2013, following the establishment of the ASEAN Intergovernmental Commission on Human Rights and the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children.

The ASEAN Intergovernmental Commission on Human Rights has conducted various programmes and activities in consultation and cooperation with ASEAN sectoral bodies and with the relevant institutions and external partners concerned to promote human rights awareness in 2016. They include the second Regional Dialogue on the Mainstreaming of the Rights of Persons with Disabilities in the ASEAN Community, held in Thailand, the Workshop on Effective Communication Strategies to Combat Trafficking in Persons, held

in Viet Nam, and the Regional Forum on Media and Human Rights in ASEAN, held in Malaysia.

In order to enhance humanitarian assistance efforts in the region, during the chairmanship of the Lao People's Democratic Republic in 2016, our leaders adopted the ASEAN Declaration on One ASEAN, One Response: ASEAN Responding to Disasters as One in the Region and Outside the Region at the twenty-eighth and twenty-ninth ASEAN Summits.

On peace and stability, ASEAN is also striving to maintain and promote the Association as a flag-bearer for regional norms of good conduct, particularly through the Treaty of Amity and Cooperation in Southeast Asia. The Treaty is regarded as the key code of conduct governing inter-State relations in South-East Asia, which provides a foundation for the maintenance of regional peace and stability. We welcome other non-regional States' growing interest in acceding to the Treaty. In that regard, we welcome the recent accessions of Chile, Egypt and Morocco to the Treaty on 6 September 2016 in Vientiane and look forward to Iran's accession to the Treaty upon the completion of its internal processes.

Furthermore, ASEAN attaches great importance to strengthening the nuclear non-proliferation and disarmament regime so as to maintain and promote peace, security and prosperity in the region. We are committed to preserving South-East Asia as a nuclear-weapon-free zone and free of all other weapons of mass destruction, as enshrined in the Treaty on the Southeast Asia Nuclear Weapon-Free Zone and the ASEAN Charter. ASEAN also welcomed the biennial adoption of the General Assembly resolution on that Treaty in December 2015 during its seventieth session, which reiterates the importance of the Treaty in strengthening the security of States in the region and in contributing to international peace and security.

On countering terrorism, ASEAN shares the deep concerns over the increasing violence and brutality committed by terrorist and extremist organizations and radical groups in Yemen, Iraq and Syria. ASEAN denounces all acts of destruction, violence and terror in all its forms and manifestations. In line with those efforts, ASEAN adopted the Langkawi Declaration on the Global Movement of Moderates at the twenty-sixth ASEAN Summit in April 2015, which outlines measures to promote moderation and curb extremism throughout the region.

ASEAN leaders announced the establishment of the ASEAN Community on 31 December 2015 and adopted the ASEAN Community Vision 2025 and its three blueprints at the twenty-seventh ASEAN Summit in Kuala Lumpur. Under the chairmanship of the Lao People's Democratic Republic in 2016, "Turning Vision into Reality for a Dynamic ASEAN Community" was chosen as the theme.

We believe that ASEAN's collective efforts at the regional level will contribute to the work of the United Nations in promoting peace, security and stability, as well as in contributing to inclusive and sustained growth for all. I wish to conclude by reiterating ASEAN's resolve to strengthen cooperation with the United Nations in all areas of mutual interest.

Mr. Khoshroo (Islamic Republic of Iran): Allow me to begin by thanking Secretary-General Ban Ki-moon for his report (A/71/1) on the work of the Organization.

I would like to touch briefly on some of the issues that we find noteworthy in the report. In paragraph 97 of his report, the Secretary-General welcomes the adoption of the Joint Comprehensive Plan of Action, also known as the Iran Nuclear Deal, in the following way:

"This historic accomplishment — a testament to the value of diplomacy — marks an important turning point in the international community's relationship with the Islamic Republic of Iran and benefits nuclear non-proliferation. I am confident that this agreement will lead to greater mutual understanding and cooperation on the many serious security challenges in the region and beyond."

While we thank the Secretary-General for that realistic assessment of the value of the agreement and its positive impact on our region and beyond, we invite the Secretariat to do its share by taking a more constructive and positive approach in fulfilling its reporting and monitoring functions. In our view, our full compliance with the terms of the agreement and the non-performance by certain Plan of Action participants should be duly reflected in the reports by the Secretariat on the implementation of the agreement.

Also, on the issue of disarmament, we reiterate that the priorities of the international community have not changed. Achieving the objective of nuclear disarmament is the highest priority. However, as the Secretary-General indicated in his report, the state

of affairs is disappointing in that regard. As a result of nuclear-weapon States persistently not complying with their obligations, there has been no progress towards that objective. We are deeply concerned about that dangerous situation and its consequences for international peace and security. There are thousands of nuclear weapons that threaten to annihilate humankind by accident, miscalculation or madness. The only absolute guarantee against the use of nuclear weapons is their total elimination. We call on the nuclear-weapon States to honour their special responsibility and legal obligations relating to the total elimination of their nuclear weapons.

As the main sponsor of the General Assembly draft resolution entitled “A world against violence and violent extremism”, we welcome the initiative by the Secretary-General to develop a plan of action aimed at preventing violent extremism. We think that it is an important document, and that it could form the basis for further negotiations aimed at finalizing a plan of action that all Member States would implement.

On the issue of human rights, we note the efforts by the Secretary-General and the Organization to further advance human rights and fundamental freedoms. However, the Secretariat should avoid trying to devise principles or set priorities and agendas that Member States have not agreed to. In that regard, we register our disagreement with the analysis presented in paragraph 77 of document A/71/1 concerning the death penalty, and with the status attributed to the doctrine of “responsibility to protect” in paragraph 76.

On the issue of peacekeeping operations, the prerequisite for the success of the United Nations in discharging its responsibilities, including in peacekeeping, clearly lies in the partnership and cooperation of Member States with the United Nations and their contribution to the various activities of the Organization. In that regard, we believe that the United Nations should be able to use the potential capacity of the whole membership in peacekeeping operations, including troop, military, police and civilian contingents. Therefore, the base of contributors should be broadened, and, to that end, any invitation by the United Nations requesting the contributions of Member States to the peacekeeping missions or special political missions should be transparent and include all potential contributing countries.

On the issue of sustainable development, as stated in the report, the 2030 Agenda for Sustainable Development is built on the lessons learned from the Millennium Development Goals (MDGs) and other internationally agreed commitments and on their expansion. One lesson learned from the MDGs was that deviating from a commitment to partnership could lead to underachievement. We must keep international cooperation on the right track, especially in the first year of implementing the 2030 Agenda, which requires full and effective international support and solidarity.

As Member States have started implementing the 2030 Agenda, a strong and more dynamic United Nations development system, compatible with their needs and priorities, is of much significance. In that context, the forthcoming draft resolution on the quadrennial comprehensive policy review should appropriately address a number of important issues, including the existing imbalance between core and non-core resources; the necessity of revitalizing governing bodies with equal participation and the presence of Member States; transparency, accountability and coherence; and exploring ways to avoid the overlapping of work across the United Nations agencies.

The world today faces greater risks, but we are also endowed with greater opportunities. Let us join hands for a better and brighter future.

Mr. Rivero Rosario (Cuba) (*spoke in Spanish*): We welcome the presentation of the annual report (A/71/1) of the Secretary-General on the work of the Organization and the work undertaken to prepare it. This will be the last such report of the current Secretary-General, Mr. Ban Ki-moon, I would like to take this opportunity to recognize his dedication to promoting and protecting multilateralism, his contribution to international peace and security and his dedication to achieving a better world.

The adoption of the 2030 Agenda for Sustainable Development, the Addis Ababa Action Agenda, the Paris Agreement on Climate Change and the Sendai Framework for Disaster Risk Reduction 2015-2030 were milestones in the history of the Organization, thus highlighting the importance of multilateralism and the continuing relevance of the United Nations and the purposes and principles set out in the Charter of the United Nations. However, a long path remains until we fulfil the agreed accords. We should not overlook the fact that obstacles are still impeding progress towards

achieving sustainable development for our peoples. We are confronting a world in which multilateralism is being challenged on a daily basis. We have war, aggression, soft coups and attempts at regime change promoted by some hegemonic nations, interference in the internal affairs of States and violations of national sovereignty under the pretext of combating terrorism.

Preventing armed conflict presents a larger challenge for the Organization than ever before. For Cuba, building upon the purposes and principles of the Charter of the United Nations and strengthening international law continue to be the basic pillars of international security. In essence, that requires full respect for the sovereignty and territorial integrity of States, the non-use of force in international relations, and non-interference in the internal affairs of States.

The international efforts being made to preserve future generations from the scourge of war, maintain international peace and security, and achieve economic and social progress and the full enjoyment of all fundamental human rights are still insufficient. That is attested to by the 795 million people who still suffer from hunger, the 781 million adults who are illiterate and the 17,000 children who die every day from curable diseases.

To effectively leave no one behind, we must change the current unjust and profoundly inequitable international order, and the United Nations must play an important role in that regard. We urgently need to end the application of unilateral coercive measures against developing countries, eliminate colonialism and foreign occupation, and reject interventionism disguised as humanitarian aid. We must end the political manipulation of human rights by ensuring that we have an impartial, objective and non-selective approach. The imposition of single and imperfect concepts of democracy, of models that ignore the particular characteristics of each society and give control to centres of world power, is unacceptable.

Cuba deems that a climate of international peace and security, where the rule of law is respected internationally, is a prerequisite for achieving sustainable development. That requires the full recognition of the sovereign equality of States, the peaceful settlement of international disputes, respect for political independence and for the political, economic, social and cultural system that nations have

freely chosen for themselves and the rejection of the threat or use of force against any State.

It is also vital to have new, additional and predictable financial resources for the implementation of the ambitious 2030 Agenda for Sustainable Development. The full implementation of the 2030 Agenda and the Sustainable Development Goals requires capacity-building and the establishment of an international mechanism that facilitates the transfer of environmentally friendly technologies, on favourable terms for developing countries.

Just as the report itself points out, last year was the worst in terms of climate change, with the increased melting of polar ice caps, rising sea levels and increasing emissions of greenhouse gases. Urgent concrete and immediate action must be taken to reverse that situation. The Paris Agreement constitutes a starting point, but it is not sufficient in itself if we want to preserve our planet for future generations. It is up to the industrialized nations to assume their environmental debt, change their irrational models of production and consumption and reduce their greenhouse-gas emissions.

The existence of nuclear weapons is a further threat to human beings. The only way to save humankind from the horrendous impact of nuclear weapons is through their complete prohibition and total elimination. Cuba is totally committed to the international efforts to achieve that priority objective. We support the recommendation to convene an international conference in 2017 for the purpose of negotiating a legally binding instrument for the prohibition of nuclear weapons, with a view to their elimination. We hope that such an instrument can be formally adopted in 2018 at the high-level international conference on nuclear disarmament that the General Assembly will convene.

We recognize that much remains to be done in the fight against terrorism. The international community must take specific steps towards adopting a comprehensive convention on international terrorism containing a full definition of that scourge. It is unacceptable that the alleged fight against terrorism should be used as a cover for acts of aggression and interference in the internal affairs of States or for perpetrating gross violations of human rights and international humanitarian law.

The new genuinely just, democratic and equitable international order that we all wish to see requires a radically reformed United Nations. To make the United

Nations more democratic and effective, the General Assembly must be revitalized and strengthened. It must fully exercise its powers under the Charter, without any interference from the Security Council in its work or that of its bodies. The reform of the Security Council to make it more democratic and representative means that we must change its membership and working methods. We must not further postpone that task.

We are proud to belong to a zone of peace, as was proclaimed at the second Summit of the Community of Latin American and Caribbean States, held in Havana in January 2014. Cuba reiterates that the rules of coexistence based on friendship, cooperation and respect are vital in international relations among States and in ensuring the full enjoyment of the right to peace and development of their peoples.

Mr. Akbaruddin (India): Today we are about to select the ninth Secretary-General of the United Nations. The final report (A/71/1) of Secretary-General Ban Ki-moon on the work of the Organization is therefore an appropriate inflection point for examining the main challenges that face us and the means and mechanisms to mend our problems. Those are not simple issues, nor are they small in number. However, because of the paucity of time, I will focus on just three examples relating to international peace and security that are emblematic of the problems we face.

In an increasingly interconnected world where we have seen the globalization of everything — from propaganda to violence, from technologies to cyberattacks, from terrorism to the ill effects of climate change, from conflicts to narco-networks — the response mechanisms that we have in place in the only global organization of our times are inadequate.

Let us begin with the principal organ tasked with the maintenance of international peace and security — the Security Council. So far this year it has met formally on approximately 180 occasions, and informally perhaps more than 400 times. Yet on cardinal issues, such as Syria, we see inaction; in other situations, such as resolution 2304 (2016), on South Sudan, action is agreed upon but not yet implemented; and, finally, where measures are taken, as in the case of resolution 2276 (2016), on the Democratic People's Republic of Korea, they are disregarded.

In a variety of ways, therefore, the Council has become unresponsive to the needs of our time and

ineffective in meeting the challenges it is confronted with. It is an organ that ponders for six months on whether to punish leaders of organizations it has itself designated as terrorist entities. Then, unable to decide, it gives itself three more months to further consider the issue. One has to expectantly wait throughout a nine-month process to know if Council members have decided on a single issue. In some instances it does not even begin that nine-month process of identifying and listing publicly announced leaders of terrorist entities. At best, it is now an organ that can be described as an interesting and random mix of “ad-hocism”, scrambling and political paralysis. The global governance architecture calls for comprehensive reform.

Our public consciousness is being ravaged daily by incessant acts of terrorism targeting innocent people, our civilizational heritage and, increasingly, the socioeconomic infrastructure of our societies, especially in vulnerable developing countries. Yet on the issue of terrorism the United Nations has still to come up with a coherent policy, let alone take the lead on one of the biggest threats to global peace and security. As many as 31 entities within the United Nations system deal with some aspect of countering terrorism. We know the adage that too many cooks spoil the broth. That is clearly the case here, as coherence and coordination are missing. It is nearly impossible to argue the case of the relevance of the United Nations on the issue of terrorism, where even the adoption of an international norm on the prosecution or extradition of terrorists evades us despite 20 years of talk.

The inability to address what is among the most dangerous of scourges faced by States and societies collectively since the Second World War raises questions about the relevance of the Organization to the very lives of the people on whose behalf we are bound by the Charter to act. The choice of relevancy requires a willingness to address what is staring us in the face. Yet we look away. We look away as some among us stall their collective efforts while they use terrorists as proxies in their territorial quests.

Today, a short while ago, we again heard one such lone voice making claims to an integral part of my country. The voice comes from a country that has established itself as the global epicentre of terrorism. Such claims find no resonance among the international community. Less than 10 days ago, the General Assembly Hall witnessed the general debate. It also witnessed a singular lack of support for the

representative of Pakistan's baseless claims (see A/71/PV.11). Need one say more? Our response to Pakistan is consistent: it should abandon its futile quest. The State of Jammu and Kashmir is an integral part of India and will remain so. No amount of misuse of international platforms by Pakistan will change that reality. The sell-by date of Pakistan's anachronistic approach is long past.

Peacekeeping is the leitmotif of the United Nations. However, peacekeeping is under great stress. A plethora of tasks and Christmas-tree mandates without adequate funding; a departure from the well-established principles of impartiality; the avoidance of the primacy of politics and the focus instead on band-aid solutions through peacekeeping; and an unwillingness to walk away from the quagmires into the sunset — these are all part of the burgeoning philosophical dilemma facing peacekeeping. It would appear that we have blunted peacekeeping as an effective tool. Additionally, there are appalling cases of sexual exploitation and abuse. Peacekeepers turning into predators is our worst nightmare come true. India has fully supported the initiative to create a trust fund for victims of sexual exploitation and abuse. It was the first to contribute to that fund. It is disappointing that only three other countries have followed suit.

It is now 16 months since the High-level Independent Panel on Peace Operations concluded its report (see A/70/95), yet tangible progress and the implementation of its recommendations are still awaited. Against that inaction, a tally of the disasters that are roiling peacekeeping — the most used tool of the United Nations — makes for worrisome reading.

Those are three key issues but they are also examples of the many ailments of the Organization that need to be addressed. This raises the question whether we are failing in our duty to address these and other problems from which the Organization suffers. Observing the International Day of Non-Violence at the United Nations just three days ago, we heard a dictum coined by Mahatma Gandhi in his interaction with the United Nations as far back as 1947. He said,

“Begin with a charter of duties of man and I promise the rights will follow as spring follows winter.”

Gandhi believed that if each person fulfilled his or her duties to others, no one's rights would be violated.

Fulfilling our duties will correct a lot of what imperils us today. The duty to change what is not working is inherent in our commitment to the Charter of the United Nations. What we have is an Organization that is ailing in many ways. As Member States, it is a part of our duty to address those ailments. Now is as good a time as any to begin that venture.

Mr. Mendoza-García (Costa Rica) (*spoke in Spanish*): We would like to thank Secretary-General Ban Ki-moon for his final report (A/71/1) on the work of the Organization. Costa Rica would like to recognize the tireless and determined efforts of the Secretary-General to promote sustainable development. The process for negotiating the 2030 Agenda for Sustainable Development and establishing the Sustainable Development Goals was a milestone in the multilateral process. We are confident that the Agenda will give new direction to the central functions of the Organization. It will be directed towards a more firm, more inclusive, more universal and more sustainable development — one that promotes the creation of peaceful societies, respect for human rights and the rule of law and one that leaves no one behind. We look forward to continue working in that direction and to focus on implementing the Agenda with the next Secretary-General.

Costa Rica recognizes the commitment of Secretary-General Ban Ki-moon and the extraordinary support he gave to the negotiation, signing and entry into force of the Paris Agreement on Climate Change. The personal commitment of the Secretary-General to promoting this historic Agreement is especially remembered by the Government of Costa Rica. Now that the first threshold in terms of the number of ratifications has been reached, we are enthusiastically looking forward to the 55 per cent threshold for global emitters over the coming weeks so that this important instrument can enter into force as soon as possible. We must now prepare for the most important and most complex stage, which is the process of its implementation.

We recognize the transformational potential of the 2030 Agenda and the Paris Agreement, and we hope that the very significant political will underpinning both of them will mark an inflection point in terms of the complexity, comprehensiveness and transformative nature of international agreements on sustainable development, and that, thanks to such political will, we shall be able to adopt other needed agreements on peace, security, disarmament and migration.

We pay tribute to the Secretary-General's full commitment to making progress on gender equality and the empowerment of women in a cross-cutting manner throughout the agenda of the United Nations. The establishment of the High-level Panel on Women's Economic Empowerment is but one demonstration of that commitment. It recognizes the absolute need to integrate all women into the economic life of our societies. The President of Costa Rica had the honour, at the request of the Secretary-General, to co-chair that Panel. Last September, it submitted its preliminary report, which highlighted the fact that the inclusion of women in economic activity was not just the correct approach, but also the most intelligent one, as it is absolutely necessary to ensure the full and comprehensive implementation of the Sustainable Development Goals.

The tenaciousness of the Secretary-General's drive and support with respect to gender issues deserves praise, and Costa Rica, as a country that believes in gender equality and women's empowerment, hopes that women and girls will continue to be at the centre of our human endeavours.

The Human Rights Up Front initiative and its implementation in the United Nations system must continue so that we improve our capacity to respond to serious violations of human rights and our capacities to work preventively in seeking peace and ensuring human rights for all. The courageous words of the Secretary-General in defence of the rights of lesbian, gay, bisexual, transgender and/or intersex persons should also be highlighted.

Costa Rica would like to recognize the support given to the rule of law as a cross-cutting and enabling way of fulfilling the purposes and principles embodied in the Charter of the United Nations.

The themes that we have highlighted are but part of the legacy left by the Secretary-General, not just over the past year but during his entire term of office, for the benefit of future generations. Therefore, I would like to conclude by expressing our thanks to Secretary-General Ban Ki-moon for all his efforts and work throughout his term of office.

Mr. Zaayman (South Africa): My delegation thanks the Secretary-General for his report contained in document A/71/1. South Africa is of the view that the debate on the report of the Secretary-General on the work of the Organization is an apt way to start our

activities in the General Assembly, as it allows us to take stock and reflect on the work we are doing as an Organization. The report reflects his clear vision and his firm determination to enhance multilateralism and strengthen the authority and role of the United Nations. The United Nations must remain at the apex of multilateralism in addressing the global challenges that we face.

There are many pertinent issues highlighted in the report. My delegation wishes to focus on three, namely, the 2030 Agenda for Sustainable Development, the maintenance of international peace and security, and combating international terrorism in all its forms and manifestations.

South Africa supports the implementation of the transformative 2030 Agenda for Sustainable Development without any reservations. The triple challenge of poverty, unemployment and inequality that the Agenda seeks to address is in line with South Africa's national development plan as well as the African Union's Agenda 2063. At the core of South Africa's development plan is the objective to guide our policies and programmes in every sector, including how to allocate our budget and skills investment and other resources at the national and local levels in order to move South Africa forward and ensure sustainable livelihoods for all our citizens. That will ensure the domestication of the Sustainable Development Goals as part of our national development plan.

We need a United Nations that is fit for purpose to "save succeeding generations from the scourge of war", as mentioned in the Secretary-General's report, and the need for this has never been greater. Today, the world is grappling with a multiplicity of new challenges that threaten global peace and security, and therefore require the intervention of the Organization. While we must undoubtedly aim to strengthen the tools at our disposal in addressing conflicts as they arise, we must also emphasize the preventive approach — as highlighted by the Secretary-General in his report — in addressing conflict and its root causes in order to prevent countries that are emerging from conflicts from relapsing. South Africa is convinced that peace and stability in the world will remain elusive if we do not address the nexus between security and development.

We welcome the General Assembly's recognition of the increasing role that regional organizations play in peacemaking and peacekeeping efforts. Regional

organizations are well positioned to understand the causes of armed conflicts owing to their knowledge of the region, which can benefit their efforts in influencing the prevention or resolution of such conflicts. Furthermore, they have a comparative advantage owing to their increasing political resolve to address a situation. It is beneficial for the United Nations to work closely with regional and subregional organizations in their mediation and peacemaking efforts. Over the past few years we have witnessed the practical advantages of that cooperation in the area of peacekeeping on the African continent. While we acknowledge that the primary responsibility for international peace and security lies with the Security Council, it is often regional organizations such as the African Union that are the first responders in the stabilizing of crisis situations.

The African continent is one of the largest troop contributors to United Nations-mandated peace operations. Additionally, the continent has made significant progress in activating its Peace and Security Architecture. That notwithstanding, more needs to be done to ensure that the continent has adequate capacity to address its peace and security challenges. In that regard, we are calling on the United Nations to support and adequately fund the Joint United Nations-African Union Framework for an Enhanced Partnership in Peace and Security.

The threat of terrorism continues to challenge the international community. While the threat grows and mutates, the results of terrorist acts remain the same: sowing devastation, killing and maiming innocent people, damaging property and infrastructure, fostering fear in local communities, undermining social and economic confidence and, in many cases, entrenching the forces of poverty. Conflict situations, including in the Middle East and North Africa, have also created fertile environments for terrorist groups to carry out their brutal acts with impunity. The activities of those groups have complicated the search for political solutions, which are necessary for the re-establishment of peace, security and stability and the enjoyment of fundamental rights and freedoms.

To counter the narratives and ideologies of terrorism in the medium to long term, international cooperation must address the conditions and contexts that drive it. Military approaches alone cannot resolve the challenge of terrorism. The United Nations, with the broad range of expertise and tools at its disposal, is in the

best position to lead the coordination of international efforts in this regard. South Africa continues to support the central role of the United Nations in countering terrorism and strengthening the multilateral system to take effective measures within the framework of the Charter of the United Nations and international law. Initiatives to further improve coordination and cooperation among the United Nations entities involved in countering terrorism and coordination between the United Nations and regional structures should be encouraged and supported.

We acknowledge the work being done by the General Assembly and Security Council in guiding the international community's response to terrorism. The General Assembly, with its universal membership, has a valuable contribution to make. Both the United Nations Global Counter-Terrorism Strategy and the Secretary-General's Plan of Action to Prevent Violent Extremism have added to the tools at our disposal to counter this threat, as they are premised not only on addressing conditions conducive to the spread of terrorism but also on respect for the rule of law and human rights. While great strides have been made, much more needs to be done. My delegation looks forward to contributing in that regard.

In conclusion, my delegation wishes to thank the Secretary-General and the Secretariat for their services to the Organization. We assure them and all Member States of our commitment to ensuring that we progress closer to our shared goal of achieving a better world for all.

Mr. Shaltut (Libya) (*spoke in Arabic*): My delegation has perused the report (A/71/1) of the Secretary-General on the work of the Organization. We would like to thank the Secretary-General and the Secretariat for their efforts, especially those expended on the preparation of the report. The topics dealt with by the Secretary-General in his report are of great importance for my delegation and for the Government of National Accord, which will represent Libya in this international forum. Among these important topics are sustainable development, migration and respect for, and the promotion of, human rights and international peace and security.

As the Assembly is aware, my country is passing through a transitional phase. This phase has involved meetings that led to the formation of the Presidential

Council of the Government of National Accord, which began its work in March.

The question of migration is one that concerns all States. With a long Mediterranean border of 2,000 kilometres, my country — like others — is suffering from the repercussions of the migration problem. While we express our sympathy with all those who have found themselves in difficult situations, we want to indicate that Libya, in its current situation, cannot resolve the problem on its own. Libya sympathizes with the victims who have drowned in the sea or died in the desert; however, this major question requires the assistance of the United Nations, the international community, developed countries and countries possessing the appropriate technologies.

From Libya's point of view, the issue of migration necessitates working to establish and promote development projects in the countries of origin so as to provide employment opportunities for those who might otherwise seek to migrate, thereby enabling them to work in their own countries. Such projects would help to prevent the catastrophic conditions that have befallen those desiring to improve their lives by leaving their countries of origin and heading to other countries that might offer a better standard of living and a better life.

As the Assembly is aware, Libya has been cooperating with the various United Nations bodies, including the Security Council and the Human Rights Council. The United Nations Support Mission in Libya has been working in cooperation with Libyan national authorities, particularly with the Government of National Accord. Cooperation has been fruitful and constructive. Libya has spared no effort to develop such cooperation in order to emerge from the political dilemma it has experienced during the past two years.

The issue of countering terrorism is an extremely important one, and it receives Libya's full attention. The forces of the Presidential Council of the Government of National Accord have declared war on behalf of the world against the terrorists in the city of Serte and are close to eliminating them.

Finally, I would like to express Libya's continued readiness to cooperate with all United Nations bodies and agencies.

The Acting President (*spoke in French*): We have now heard the last speaker in the debate on agenda item 109. May I take it that the General Assembly takes note

of the report of the Secretary-General on the work of the Organization, as contained in document A/71/1?

It was so decided.

The Acting President (*spoke in French*): Before calling on the speaker in the exercise the right of reply, may I remind delegations that, in accordance with decision 34/401, statements in the exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second intervention, and should be made by delegations from their seats.

I now give the floor to the representative of Pakistan.

Ms. Sayed (Pakistan): I take the floor to respond to the remarks made by the Permanent Representative of India with regard to the issue of Jammu and Kashmir.

We believe that equating a legitimate struggle for self-determination with terrorism is not only disingenuous, but a travesty of history. The issue of Kashmir cannot be wished away by fanciful rhetoric and claims. Nor can India justify the barbaric killings and atrocities committed against the hapless Kashmiris under any guise.

Jammu and Kashmir is not an integral part of India, and never has been. It is an issue on the agenda of the Security Council and is recognized as disputed territory. This core issue cannot be cast aside by empty rhetoric. It has to be resolved in accordance with Security Council resolutions. There is a need to start a dialogue with Pakistan and the two representatives of Jammu and Kashmir to resolve the issue according to the will of the Kashmiri people. I would like to reiterate that Prime Minister Muhammad Nawaz Sharif, in his address in this forum (see A/71/PV.11), clearly reiterated his offer to India to enter into a serious and sustained dialogue for the peaceful resolution of all outstanding disputes, especially Jammu and Kashmir.

The Acting President (*spoke in French*): May I take it that the General Assembly wishes to conclude its consideration of agenda item 109?

It was so decided.

Agenda item 127

Global health and foreign policy

Draft resolution (A/71/L.2)

The Acting President (*spoke in French*): The General Assembly will now take action on a draft

resolution entitled “Political Declaration of the high-level meeting of the General Assembly on antimicrobial resistance”, issued as document A/71/L.2.

I should like to remind members that the debate on agenda item 127 is scheduled to be held on Wednesday, 7 December, as announced in the programme of work contained in document A/71/3.

We shall now proceed to consider draft resolution A/71/L.2. I give the floor to the representative of the Secretariat.

Ms. Ochalik (Department for General Assembly and Conference Management): This statement is made in accordance with rule 153 of the rules of procedure of the General Assembly, and is also made available in advance on the PaperSmart portal.

By paragraph 15 of draft resolution A/71/L.2, the General Assembly would request the Secretary-General to establish, in consultation with the World Health Organization, the Food and Agriculture Organization of the United Nations and the World Organization for Animal Health, an ad hoc inter-agency coordination group, co-chaired by the Executive Office of the Secretary-General and the World Health Organization, drawing, where necessary, on expertise from relevant stakeholders, to provide practical guidance for approaches needed to ensure sustained effective global action to address antimicrobial resistance, and also request the Secretary-General to submit a report for consideration by Member States by the seventy-third session of the General Assembly on the implementation of the present declaration and on further developments and recommendations emanating from the ad hoc inter-agency group, including on options to improve coordination, taking into account the global action plan on antimicrobial resistance.

It is anticipated that the request contained in paragraph 15 will constitute an addition to the documentation workload of the Department for General Assembly and Conference Management of one document of 8,500 words, to be issued in all six languages. That would entail additional requirements in the amount of \$37,600 for documentation services in 2018.

Accordingly, should the General Assembly adopt draft resolution A/71/L.2, the additional resource requirements of \$37,600 that would arise for 2018 under section 2 — General Assembly and Economic and Social

Council Affairs and Conference Management — would be included in the proposed programme budget for the biennium 2018-2019.

The Acting President (*spoke in French*): The Assembly will now take a decision on draft resolution A/71/L.2, entitled “Political Declaration of the high-level meeting of the General Assembly on antimicrobial resistance”.

May I take it that the Assembly decides to adopt draft resolution A/71/L.2?

Draft resolution A/71/L.2 was adopted (resolution 71/3).

The Acting President (*spoke in French*): I now call on the representative of Mexico.

Mr. Gómez Camacho (Mexico) (*spoke in Spanish*): Contrary to what we would have imagined not long ago in this Hall, we have realized not only that health care is of global interest, but that it must occupy a central role on the agenda of the Organization. As with HIV/AIDS, non-communicable diseases and Ebola, the General Assembly has now, at the highest level, dealt with antimicrobial resistance.

Indeed, resistance to antimicrobial treatments, particularly antibiotics, is one of the greatest threats we are facing today, as we see that people are beginning to die throughout the world from infectious diseases that until recently were routinely treated and cured. It is undoubtedly a crisis when resistant pathogens are being transmitted and multiplying in people, animals and food, and causing 700,000 deaths each year. By 2050, such resistance could generate more deaths than cancer and could take 10 million lives per year. Moreover, its economic impact would then exceed that of the 2008 financial crisis and reach a cost of \$100 trillion. That represents between 2 and 3.5 per cent of global gross domestic product. As Margaret Chan has said, this is a slow tsunami that respects no borders.

The term “antimicrobial resistance” once had little meaning. However, today it is understood in all its grave and complex aspects. We know that the solution must be collective and multifaceted, with the support of various United Nations entities. As with many other formidable challenges, antimicrobial resistance is not a North-South issue, or a competition where one party wins and the other party loses. It is a global threat that requires efforts from all of us and, in order to resolve it, we must recognize the specific circumstances

prevailing in each region and country. In addition, the most advanced countries must commit to cooperating with all the other countries.

Furthermore, the roles of the pharmaceutical and food industries will be key. We have seen major commitments on the part of both. However, we must continue strengthening knowledge and mutual understanding with a view to establishing the conditions that will enable the pharmaceutical industry to develop new antibiotics and the food industry to reduce its use of antibiotics. Both sectors must continue increasing their understanding of the social challenges and determining which actions to undertake or to end.

I would like to thank President Thomson and President Lykketoft for entrusting this task to me, and to extend my gratitude to the organizations and delegations whose constructive work led to the robust Political Declaration.

The Acting President (*spoke in French*): I would like to express my sincere thanks to Ambassador Juan José Gómez Camacho of Mexico, facilitator of the informal consultations, who demonstrated great ability and patience in his conduct of the discussions and complex negotiations on the outcome document. I also

thank Member States for their valuable contributions in reaching agreement on draft resolution (A/71/L.2).

The General Assembly has thus concluded this stage of its consideration of agenda item 127.

Programme of work

The Acting President (*spoke in French*): Before adjourning, I would like to briefly refer to the consideration of sub-item (b) of agenda item 115, entitled “Election of the members of the International Law Commission”, which will take place on Thursday, 3 November.

In order to facilitate the election of members of the International Law Commission, and in accordance with the established practice, the General Assembly will take an advance decision on the matter of requesting the Secretariat to issue a consolidated list of candidates reflecting all submissions and changes received so far. It is my intention to consult the Assembly in that regard at the plenary meeting to be held tomorrow morning, 6 October, as announced in *The Journal of the United Nations*.

The meeting rose at 11.45 a.m.

Annex 604

Declarations made upon signature of the United Nations Framework Convention on
Climate Change, 1771 UNTS 107

7. UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

New York, 9 May 1992

ENTRY INTO FORCE: 21 March 1994, in accordance with article 23(1).

REGISTRATION: 21 March 1994, No. 30822.

STATUS: Signatories: 165. Parties: 198.¹

TEXT: United Nations, *Treaty Series*, vol. 1771, p.107; and depositary notifications C.N.148.1993.TREATIES-4 of 12 July 1993 (procès-verbal of rectification of the original texts of the Convention); C.N.436.1993.TREATIES-12 of 15 December 1993 (corrigendum to C.N.148.1993.TREATIES-4 of 12 July 1993); C.N.247.1993.TREATIES-6 of 24 November 1993 (procès-verbal of rectification of the authentic French text); C.N.462.1993.TREATIES-13 of 30 December 1993 (corrigendum to C.N.247.1993.TREATIES-6 of 24 November 1993); C.N.544.1997.TREATIES-6 of 13 February 1997 (amendment to the list in annex I to the Convention); and C.N.1478.2001.TREATIES-2 of 28 December 2001 (amendment to the list in annex II to the Convention); C.N.237.2010.TREATIES-2 of 26 April 2010 (adoption of amendment to the list in the Annex I to the Convention); C.N.355.2012.TREATIES-XXVII.7 of 9 July 2012 (adoption of amendment to Annex I to the Convention) and C.N.81.2013.TREATIES-XXVII.7 of 14 January 2013 (entry into force of amendment to Annex I to the Convention).

Note: The Convention was agreed upon and adopted by the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change, during its Fifth session, second part, held at New York from 30 April to 9 May 1992. In accordance with its article 20, the Convention was open for signature by States Members of the United Nations or of any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations, at Rio de Janeiro during the United Nations Conference on Environment and Development, from 4 to 14 June 1992, and remained thereafter open at the United Nations Headquarters in New York until 19 June 1993.

<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification</i>
Afghanistan.....	12 Jun 1992	19 Sep 2002	Benin.....	13 Jun 1992	30 Jun 1994
Albania.....		3 Oct 1994 a	Bhutan.....	11 Jun 1992	25 Aug 1995
Algeria	13 Jun 1992	9 Jun 1993	Bolivia (Plurinational State of).....	10 Jun 1992	3 Oct 1994
Andorra.....		2 Mar 2011 a	Bosnia and Herzegovina.....		7 Sep 2000 a
Angola	14 Jun 1992	17 May 2000	Botswana	12 Jun 1992	27 Jan 1994
Antigua and Barbuda	4 Jun 1992	2 Feb 1993	Brazil	4 Jun 1992	28 Feb 1994
Argentina	12 Jun 1992	11 Mar 1994	Brunei Darussalam		7 Aug 2007 a
Armenia	13 Jun 1992	14 May 1993 A	Bulgaria	5 Jun 1992	12 May 1995
Australia.....	4 Jun 1992	30 Dec 1992	Burkina Faso.....	12 Jun 1992	2 Sep 1993
Austria	8 Jun 1992	28 Feb 1994	Burundi	11 Jun 1992	6 Jan 1997
Azerbaijan.....	12 Jun 1992	16 May 1995	Cabo Verde	12 Jun 1992	29 Mar 1995
Bahamas.....	12 Jun 1992	29 Mar 1994	Cambodia.....		18 Dec 1995 a
Bahrain.....	8 Jun 1992	28 Dec 1994	Cameroon.....	14 Jun 1992	19 Oct 1994
Bangladesh.....	9 Jun 1992	15 Apr 1994	Canada	12 Jun 1992	4 Dec 1992
Barbados	12 Jun 1992	23 Mar 1994	Central African Republic	13 Jun 1992	10 Mar 1995
Belarus	11 Jun 1992	11 May 2000 AA	Chad.....	12 Jun 1992	7 Jun 1994
Belgium	4 Jun 1992	16 Jan 1996			
Belize.....	13 Jun 1992	31 Oct 1994			

<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification</i>	<i>Participant</i>	<i>Signature</i>	<i>Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification</i>
Chile.....	13 Jun 1992	22 Dec 1994	Haiti	13 Jun 1992	25 Sep 1996
China ^{2,3}	11 Jun 1992	5 Jan 1993	Holy See		6 Jul 2022 a
Colombia	13 Jun 1992	22 Mar 1995	Honduras.....	13 Jun 1992	19 Oct 1995
Comoros.....	11 Jun 1992	31 Oct 1994	Hungary	13 Jun 1992	24 Feb 1994
Congo.....	12 Jun 1992	14 Oct 1996	Iceland	4 Jun 1992	16 Jun 1993
Cook Islands	12 Jun 1992	20 Apr 1993	India	10 Jun 1992	1 Nov 1993
Costa Rica.....	13 Jun 1992	26 Aug 1994	Indonesia.....	5 Jun 1992	23 Aug 1994
Côte d'Ivoire	10 Jun 1992	29 Nov 1994	Iran (Islamic Republic of).....	14 Jun 1992	18 Jul 1996
Croatia	11 Jun 1992	8 Apr 1996 A	Iraq.....		28 Jul 2009 a
Cuba.....	13 Jun 1992	5 Jan 1994	Ireland.....	13 Jun 1992	20 Apr 1994
Cyprus.....	12 Jun 1992	15 Oct 1997	Israel	4 Jun 1992	4 Jun 1996
Czech Republic.....	18 Jun 1993	7 Oct 1993 AA	Italy	5 Jun 1992	15 Apr 1994
Democratic People's Republic of Korea	11 Jun 1992	5 Dec 1994 AA	Jamaica	12 Jun 1992	6 Jan 1995
Democratic Republic of the Congo	11 Jun 1992	9 Jan 1995	Japan	13 Jun 1992	28 May 1993 A
Denmark	9 Jun 1992	21 Dec 1993	Jordan.....	11 Jun 1992	12 Nov 1993
Djibouti	12 Jun 1992	27 Aug 1995	Kazakhstan.....	8 Jun 1992	17 May 1995
Dominica		21 Jun 1993 a	Kenya.....	12 Jun 1992	30 Aug 1994
Dominican Republic	12 Jun 1992	7 Oct 1998	Kiribati.....	13 Jun 1992	7 Feb 1995
Ecuador.....	9 Jun 1992	23 Feb 1993	Kuwait		28 Dec 1994 a
Egypt.....	9 Jun 1992	5 Dec 1994	Kyrgyzstan.....		25 May 2000 a
El Salvador	13 Jun 1992	4 Dec 1995	Lao People's Democratic Republic		4 Jan 1995 a
Equatorial Guinea		16 Aug 2000 a	Latvia	11 Jun 1992	23 Mar 1995
Eritrea		24 Apr 1995 a	Lebanon	12 Jun 1992	15 Dec 1994
Estonia	12 Jun 1992	27 Jul 1994	Lesotho	11 Jun 1992	7 Feb 1995
Eswatini	12 Jun 1992	7 Oct 1996	Liberia.....	12 Jun 1992	5 Nov 2002
Ethiopia.....	10 Jun 1992	5 Apr 1994	Libya.....	29 Jun 1992	14 Jun 1999
European Union.....	13 Jun 1992	21 Dec 1993 AA	Liechtenstein.....	4 Jun 1992	22 Jun 1994
Fiji	9 Oct 1992	25 Feb 1993	Lithuania.....	11 Jun 1992	24 Mar 1995
Finland	4 Jun 1992	3 May 1994 A	Luxembourg.....	9 Jun 1992	9 May 1994
France	13 Jun 1992	25 Mar 1994	Madagascar	10 Jun 1992	2 Jun 1999
Gabon.....	12 Jun 1992	21 Jan 1998	Malawi	10 Jun 1992	21 Apr 1994
Gambia.....	12 Jun 1992	10 Jun 1994	Malaysia.....	9 Jun 1993	13 Jul 1994
Georgia		29 Jul 1994 a	Maldives	12 Jun 1992	9 Nov 1992
Germany	12 Jun 1992	9 Dec 1993	Mali.....	30 Sep 1992	28 Dec 1994
Ghana.....	12 Jun 1992	6 Sep 1995	Malta.....	12 Jun 1992	17 Mar 1994
Greece.....	12 Jun 1992	4 Aug 1994	Marshall Islands.....	12 Jun 1992	8 Oct 1992
Grenada.....	3 Dec 1992	11 Aug 1994	Mauritania.....	12 Jun 1992	20 Jan 1994
Guatemala.....	13 Jun 1992	15 Dec 1995	Mauritius.....	10 Jun 1992	4 Sep 1992
Guinea.....	12 Jun 1992	7 May 1993	Mexico	13 Jun 1992	11 Mar 1993
Guinea-Bissau.....	12 Jun 1992	27 Oct 1995			
Guyana.....	13 Jun 1992	29 Aug 1994			

		<i>Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification</i>				<i>Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification</i>	
<i>Participant</i>	<i>Signature</i>			<i>Participant</i>	<i>Signature</i>		
Micronesia (Federated States of)	12 Jun 1992	18 Nov	1993	Sierra Leone.....	11 Feb 1993	22 Jun	1995
Monaco	11 Jun 1992	20 Nov	1992	Singapore	13 Jun 1992	29 May	1997
Mongolia.....	12 Jun 1992	30 Sep	1993	Slovakia	19 May 1993	25 Aug	1994 AA
Montenegro ⁴		23 Oct	2006 d	Slovenia	13 Jun 1992	1 Dec	1995
Morocco.....	13 Jun 1992	28 Dec	1995	Solomon Islands	13 Jun 1992	28 Dec	1994
Mozambique	12 Jun 1992	25 Aug	1995	Somalia		11 Sep	2009 a
Myanmar.....	11 Jun 1992	25 Nov	1994	South Africa.....	15 Jun 1993	29 Aug	1997
Namibia	12 Jun 1992	16 May	1995	South Sudan.....		17 Feb	2014 a
Nauru	8 Jun 1992	11 Nov	1993	Spain	13 Jun 1992	21 Dec	1993
Nepal.....	12 Jun 1992	2 May	1994	Sri Lanka.....	10 Jun 1992	23 Nov	1993
Netherlands (Kingdom of the) ⁵	4 Jun 1992	20 Dec	1993 A	St. Kitts and Nevis	12 Jun 1992	7 Jan	1993
New Zealand ⁶	4 Jun 1992	16 Sep	1993	St. Lucia.....	14 Jun 1993	14 Jun	1993
Nicaragua.....	13 Jun 1992	31 Oct	1995	St. Vincent and the Grenadines		2 Dec	1996 a
Niger	11 Jun 1992	25 Jul	1995	State of Palestine		18 Dec	2015 a
Nigeria	13 Jun 1992	29 Aug	1994	Sudan	9 Jun 1992	19 Nov	1993
Niue		28 Feb	1996 a	Suriname	13 Jun 1992	14 Oct	1997
North Macedonia		28 Jan	1998 a	Sweden.....	8 Jun 1992	23 Jun	1993
Norway	4 Jun 1992	9 Jul	1993	Switzerland	12 Jun 1992	10 Dec	1993
Oman	11 Jun 1992	8 Feb	1995	Syrian Arab Republic ...		4 Jan	1996 a
Pakistan.....	13 Jun 1992	1 Jun	1994	Tajikistan		7 Jan	1998 a
Palau		10 Dec	1999 a	Thailand	12 Jun 1992	28 Dec	1994
Panama.....	18 Mar 1993	23 May	1995	Timor-Leste		10 Oct	2006 a
Papua New Guinea	13 Jun 1992	16 Mar	1993	Togo.....	12 Jun 1992	8 Mar	1995 A
Paraguay	12 Jun 1992	24 Feb	1994	Tonga		20 Jul	1998 a
Peru.....	12 Jun 1992	7 Jun	1993	Trinidad and Tobago	11 Jun 1992	24 Jun	1994
Philippines	12 Jun 1992	2 Aug	1994	Tunisia	13 Jun 1992	15 Jul	1993
Poland	5 Jun 1992	28 Jul	1994	Türkiye.....		24 Feb	2004 a
Portugal ³	13 Jun 1992	21 Dec	1993	Turkmenistan.....		5 Jun	1995 a
Qatar		18 Apr	1996 a	Tuvalu.....	8 Jun 1992	26 Oct	1993
Republic of Korea.....	13 Jun 1992	14 Dec	1993	Uganda.....	13 Jun 1992	8 Sep	1993
Republic of Moldova	12 Jun 1992	9 Jun	1995	Ukraine	11 Jun 1992	13 May	1997
Romania.....	5 Jun 1992	8 Jun	1994	United Arab Emirates ...		29 Dec	1995 a
Russian Federation	13 Jun 1992	28 Dec	1994	United Kingdom of Great Britain and Northern Ireland ^{7,8} ...	12 Jun 1992	8 Dec	1993
Rwanda	10 Jun 1992	18 Aug	1998	United Republic of Tanzania.....	12 Jun 1992	17 Apr	1996
Samoa	12 Jun 1992	29 Nov	1994	United States of America.....	12 Jun 1992	15 Oct	1992
San Marino	10 Jun 1992	28 Oct	1994	Uruguay	4 Jun 1992	18 Aug	1994
Sao Tome and Principe..	12 Jun 1992	29 Sep	1999	Uzbekistan		20 Jun	1993 a
Saudi Arabia		28 Dec	1994 a	Vanuatu.....	9 Jun 1992	25 Mar	1993
Senegal.....	13 Jun 1992	17 Oct	1994				
Serbia.....		12 Mar	2001 a				
Seychelles	10 Jun 1992	22 Sep	1992				

Participant	Signature	Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification		Participant	Signature	Approval(AA), Acceptance(A), Accession(a), Succession(d), Ratification	
Venezuela (Bolivarian Republic of)	12 Jun 1992	28 Dec	1994	Yemen.....	12 Jun 1992	21 Feb	1996
Viet Nam.....	11 Jun 1992	16 Nov	1994	Zambia.....	11 Jun 1992	28 May	1993
				Zimbabwe	12 Jun 1992	3 Nov	1992

Declarations

(Unless otherwise indicated, the declarations were made upon ratification, accession, acceptance, approval or succession.)

BULGARIA

"The Republic of Bulgaria declares that in accordance with article 4, paragraph 6, and with respect to paragraph 2 (b) of the said article, it accepts as a basis of the anthropogenic emissions in Bulgaria of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol, the 1988 levels of the said emissions in the country and not their 1990 levels, keeping records of and comparing the emission rates during the subsequent years."

CROATIA

"The Republic of Croatia declares that it intends to be bound by the provisions of the Annex 1, as a country undergoing the process of transition to a market economy."

CUBA

With reference to article 14 of the United Nations Framework Convention on Climate Change, the Government of the Republic of Cuba declares that, insofar as concerns the Republic of Cuba, any dispute that may arise between the Parties concerning the interpretation or application of the Convention shall be settled through negotiation through the diplomatic channel.

EUROPEAN UNION

"The European Economic Community and its Member States declare, for the purposes of clarity, that the inclusion of the European Community as well as its Member States in the lists in the Annexes to the Convention is without prejudice to the division of competence and responsibilities between the Community and its Member States, which is to be declared in accordance with article 21 (3) of the Convention."

"The European Economic Community and its Member States declare that the commitment to limit anthropogenic CO 2 emissions set out in article 4(2) of the Convention will be fulfilled in the Community as a whole through action by the Community and its Member States, within the respective competence of each.

In this perspective, the Community and its Member States reaffirm the objectives set out in the Council conclusions of 29 October 1990, and in particular the objective of stabilization of CO 2 emission by 2000 and 1990 level in the Community as a whole.

The European Economic Community and its Member States are elaborating a coherent strategy in order to attain this objective."

FIJI

"The Government of Fiji declares its understanding that signature of the Convention shall, in no way, constitute a renunciation of any rights under international law concerning state responsibility for the adverse effects of climate change, and that no provisions in the Convention can be interpreted as derogating from the principles of general international law."

HOLY SEE

"By acceding to the United Nations Framework Convention on Climate Change in the name and on behalf of Vatican City State, the Holy See intends to contribute to the efforts of all States to work together in solidarity, in accordance with their common but differentiated responsibilities and respective capabilities, in an effective response to the challenges posed by climate change to humankind and to our common home.

In light of the territorial nature of the obligations set forth in the United Nations Framework Convention on Climate Change, the Holy See declares, for the avoidance of doubt, that in acceding to the Convention only in the name and on behalf of Vatican City State it commits itself to apply its provisions exclusively within the Territory of the Vatican City State, as circumscribed by the Leonine Walls.

The Holy See, in conformity with its particular mission, reiterates, on behalf of Vatican City State, its position regarding the term 'gender'. The Holy See underlines that any reference to 'gender' and related terms in any document that has been or that will be adopted by the Conference of State Parties or by its subsidiary bodies is to be understood as grounded on the biological sexual identity that is male and female.

The Holy See upholds and promotes a holistic and integrated approach that is firmly centered on the human dignity and integral development of every person."

HUNGARY

"The Government of the Republic of Hungary attributes great significance to the United Nations Framework Convention on Climate Change and it reiterates its position in accordance with the provisions of article 4.6 of the Convention on certain degree of flexibility that the average level of anthropogenic carbon-dioxide emissions for the period of 1985-1987 will be considered as reference level in context of the commitments under article 4.2 of the Convention. This understanding is closely related to the 'process of transition' as it is given in article 4.6 of the Convention. The Government of the Republic of Hungary declares that it will do all efforts to contribute to the objective of the Convention."

KIRIBATI

"The Government of the Republic of Kiribati declares its understanding that signature and /or ratification of the Convention shall in no way constitute a renunciation of any rights under international law concerning state responsibility for the adverse effects of climate change, and that no provisions in the Convention can be interpreted as derogating from the principles of general international law."

MONACO

In accordance with sub-paragraph g of article 4.2 of the Convention, the Principality of Monaco declares that it intends to be bound by the provisions of sub-paragraphs a and b of said article.

NAURU

"The Government of Nauru declares its understanding that signature of the Convention shall in no way constitute a renunciation of any rights under international law concerning state responsibility for the adverse effects of climate change, and that no provisions in the Convention can be interpreted as derogating from the principles of general international law."

NETHERLANDS (KINGDOM OF THE)

"The Kingdom of the Netherlands declares, in accordance with paragraph 2 of Article 14 of the United

Nations Framework Convention on Climate Change, that it accepts both means of dispute settlement referred to in that paragraph as compulsory in relation to any Party accepting one or both means of dispute settlement."

PAPUA NEW GUINEA

"The Government of the Independent State of Papua New Guinea declares its understanding that ratification of the Convention shall in no way constitute a renunciation of any rights under International Law concerning State responsibility for the adverse effects of Climate Change as derogating from the principles of general International Law."

SOLOMON ISLANDS

"In pursuance of article 14 (2) of the said Convention [the Government of the Solomon Islands] shall recognise as compulsory, arbitration, in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration."

TUVALU

"The Government of Tuvalu declares its understanding that signature of the Convention shall in no way constitute a renunciation of any rights under international law concerning state responsibility for the adverse effects of climate change, and that no provisions in the Convention can be interpreted as derogating from the principles of general international law."

Notifications made under article 4 (2) (g)⁹

<i>Participant</i>	<i>Date of receipt of the notification:</i>
Czech Republic.....	27 Nov 1995
Kazakhstan.....	23 Mar 2000
Monaco	20 Nov 1992
Slovakia	23 Feb 1996
Slovenia	9 Jun 1998

Notes:

¹ For the purpose of entry into force of the [Convention/Protocol] , any instrument of ratification, acceptance, approval or accession deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that Organization.

² By a communication received on 8 April 2003, the Government of the Government of the People's Republic of China notified the Secretary-General of the following:

"In accordance with the provisions of Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China of 1990, the Government of the People's Republic of China decides that the United Nations Framework Convention on Climate Change and the Kyoto Protocol to the United Nations Framework Convention on

Climate Change shall apply to the Hong Kong Special Administrative Region of the People's Republic of China.

The United Nations Framework Convention on Climate Change continues to be implemented in the Macao Special Administrative Region of the People's Republic of China. The Kyoto Protocol to the United Nations Framework Convention on Climate Change shall not apply to the Macao Special Administrative Region of the People's Republic of China until the Government of China notifies otherwise."

³ On 28 June 1999, the Government of Portugal informed the Secretary-General the the Convention would also apply to Macao.

Subsequently, the Secretary-General received communications concerning the status of Macao from Portugal and China (see note 1 under "Portugal" and note 3 under "China" in the

“Historical Information” section in the front matter of this volume.) Upon resuming the exercise of sovereignty over Macao, China notified the Secretary-General that the Convention will also apply to the Macao Special Administrative Region.

⁴ See note 1 under "Montenegro" in the "Historical Information" section in the front matter of this volume.

⁵ For the Kingdom in Europe.

⁶ Upon ratification, New Zealand had notified the Secretary-General of a territorial exclusion with respect to Tokelau. On 13 November 2017, New Zealand notified that it extends the application of the Convention to Tokelau. See C.N.704.2017.TREATIES-XXVII.7 of 13 November 2017.

⁷ In respect of Great Britain and Northern Ireland, the Bailiwick of Jersey and the Isle of Man. On 4 April 2006: in respect of the Bailiwick of Guernsey. On 2 January 2007: in respect of Gibraltar. On 7 March 2007: in respect of Bermuda, Cayman Islands, Falkland Islands (Malvinas).

⁸ By a communication received on 27 March 2007, the Government of Argentina notified the Secretary-General of the following:

The Argentine Republic objects to the extension of the territorial application to the United Nations Framework Convention on Climate Change of 9 May 1992 with respect to the Malvinas Islands, which was notified by the United Kingdom of Great Britain and Northern Ireland to the Depositary of the Convention on 7 March 2007.

The Argentine Republic reaffirms its sovereignty over the Malvinas Islands, the South Georgia and South Sandwich Islands and the surrounding maritime spaces, which are an integral part of its national territory, and recalls that the General Assembly of the United Nations adopted resolutions [2065 \(XX\)](#), [3160 \(XXVIII\)](#), [31/49](#), [37/9](#), [38/12](#), [39/6](#), [40/21](#), [41/40](#), [42/19](#) and [43/25](#), which recognize the existence of a dispute over sovereignty and request the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means to resolve peacefully and definitively the pending problems between both countries, including all aspects on the future of the Malvinas Islands, in accordance with the Charter of the United Nations.

⁹ States having, in accordance with article 4 (2)(g), notified the Secretary-General of their intention to be bound by article 4 (2)(a) and (b) of the Convention.

Annex 605

Declarations made upon signature of the Kyoto Protocol, 2303 UNTS 162

7. a) Kyoto Protocol to the United Nations Framework Convention on Climate Change

Kyoto, 11 December 1997

ENTRY INTO FORCE: 16 February 2005, in accordance with article 25(1) and article 25 (3) which read as follows: "1. This Protocol shall enter into force on the ninetieth day after the date on which not less than 55 Parties to the Convention, incorporating Parties included in Annex I which accounted in total for at least 55 per cent of the total carbon dioxide emissions for 1990 of the Parties included in Annex I, have deposited their instruments of ratification, acceptance, approval or accession." "3. For each State or regional economic integration organization that ratifies, accepts or approves this Protocol or accedes thereto after the conditions set out in paragraph 1 above for entry into force have been fulfilled, this Protocol shall enter into force on the ninetieth day following the date of deposit of its instrument of ratification acceptance, approval or accession".

REGISTRATION: 16 February 2005, No. 30822.

STATUS: Signatories: 83. Parties: 192.¹

TEXT: United Nations, *Treaty Series*, vol. 2303, p. 162; depositary notifications C.N.101.2004.TREATIES-1 of 11 February 2004 [Proposed corrections to the original texts of the Protocol (Arabic and French versions)] and C.N.439.2004.TREATIES-4 of 12 May 2004 [Corrections to the original texts of the Protocol (Arabic and French versions)]; C.N.380.2007.TREATIES-5 of 17 April 2007 (Adoption of an amendment to Annex B of the Protocol).

Note: The Protocol was adopted at the third session of the Conference of the Parties to the 1992 United Nations Framework Convention on Climate Change ("the Convention"), held at Kyoto (Japan) from 1 to 11 December 1997. The Protocol shall be open for signature by States and regional economic integration organizations which are Parties to the Convention at United Nations Headquarters in New York from 16 March 1998 to 15 March 1999 in accordance with its article 24 (1).

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA)</i>
Afghanistan.....		25 Mar 2013 a	Bolivia (Plurinational State of).....	9 Jul 1998	30 Nov 1999
Albania.....		1 Apr 2005 a	Bosnia and Herzegovina.....		16 Apr 2007 a
Algeria		16 Feb 2005 a	Botswana		8 Aug 2003 a
Angola		8 May 2007 a	Brazil	29 Apr 1998	23 Aug 2002
Antigua and Barbuda.....	16 Mar 1998	3 Nov 1998	Brunei Darussalam		20 Aug 2009 a
Argentina	16 Mar 1998	28 Sep 2001	Bulgaria	18 Sep 1998	15 Aug 2002
Armenia		25 Apr 2003 a	Burkina Faso.....		31 Mar 2005 a
Australia.....	29 Apr 1998	12 Dec 2007	Burundi		18 Oct 2001 a
Austria	29 Apr 1998	31 May 2002	Cabo Verde.....		10 Feb 2006 a
Azerbaijan.....		28 Sep 2000 a	Cambodia.....		22 Aug 2002 a
Bahamas.....		9 Apr 1999 a	Cameroon.....		28 Aug 2002 a
Bahrain.....		31 Jan 2006 a	Canada ²	[29 Apr 1998]	[17 Dec 2002]
Bangladesh.....		22 Oct 2001 a	Central African Republic		18 Mar 2008 a
Barbados		7 Aug 2000 a	Chad.....		18 Aug 2009 a
Belarus		26 Aug 2005 a	Chile.....	17 Jun 1998	26 Aug 2002
Belgium	29 Apr 1998	31 May 2002	China ³	29 May 1998	30 Aug 2002 AA
Belize		26 Sep 2003 a			
Benin.....		25 Feb 2002 a			
Bhutan.....		26 Aug 2002 a			

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA)</i>
Colombia		30 Nov 2001 a	Iceland		23 May 2002 a
Comoros.....		10 Apr 2008 a	India		26 Aug 2002 a
Congo.....		12 Feb 2007 a	Indonesia.....	13 Jul 1998	3 Dec 2004
Cook Islands	16 Sep 1998	27 Aug 2001	Iran (Islamic Republic of).....		22 Aug 2005 a
Costa Rica.....	27 Apr 1998	9 Aug 2002	Iraq.....		28 Jul 2009 a
Côte d'Ivoire		23 Apr 2007 a	Ireland.....	29 Apr 1998	31 May 2002
Croatia	11 Mar 1999	30 May 2007	Israel	16 Dec 1998	15 Mar 2004
Cuba.....	15 Mar 1999	30 Apr 2002	Italy	29 Apr 1998	31 May 2002
Cyprus.....		16 Jul 1999 a	Jamaica		28 Jun 1999 a
Czech Republic.....	23 Nov 1998	15 Nov 2001 AA	Japan	28 Apr 1998	4 Jun 2002 A
Democratic People's Republic of Korea ...		27 Apr 2005 a	Jordan.....		17 Jan 2003 a
Democratic Republic of the Congo		23 Mar 2005 a	Kazakhstan.....	12 Mar 1999	19 Jun 2009
Denmark ⁴	29 Apr 1998	31 May 2002	Kenya.....		25 Feb 2005 a
Djibouti		12 Mar 2002 a	Kiribati.....		7 Sep 2000 a
Dominica		25 Jan 2005 a	Kuwait		11 Mar 2005 a
Dominican Republic		12 Feb 2002 a	Kyrgyzstan.....		13 May 2003 a
Ecuador.....	15 Jan 1999	13 Jan 2000	Lao People's Democratic Republic		6 Feb 2003 a
Egypt.....	15 Mar 1999	12 Jan 2005	Latvia	14 Dec 1998	5 Jul 2002
El Salvador	8 Jun 1998	30 Nov 1998	Lebanon		13 Nov 2006 a
Equatorial Guinea		16 Aug 2000 a	Lesotho		6 Sep 2000 a
Eritrea		28 Jul 2005 a	Liberia.....		5 Nov 2002 a
Estonia	3 Dec 1998	14 Oct 2002	Libya.....		24 Aug 2006 a
Eswatini		13 Jan 2006 a	Liechtenstein.....	29 Jun 1998	3 Dec 2004
Ethiopia.....		14 Apr 2005 a	Lithuania.....	21 Sep 1998	3 Jan 2003
European Union.....	29 Apr 1998	31 May 2002 AA	Luxembourg.....	29 Apr 1998	31 May 2002
Fiji	17 Sep 1998	17 Sep 1998	Madagascar		24 Sep 2003 a
Finland	29 Apr 1998	31 May 2002	Malawi		26 Oct 2001 a
France	29 Apr 1998	31 May 2002 AA	Malaysia.....	12 Mar 1999	4 Sep 2002
Gabon.....		12 Dec 2006 a	Maldives	16 Mar 1998	30 Dec 1998
Gambia.....		1 Jun 2001 a	Mali.....	27 Jan 1999	28 Mar 2002
Georgia		16 Jun 1999 a	Malta.....	17 Apr 1998	11 Nov 2001
Germany	29 Apr 1998	31 May 2002	Marshall Islands.....	17 Mar 1998	11 Aug 2003
Ghana.....		30 May 2003 a	Mauritania.....		22 Jul 2005 a
Greece.....	29 Apr 1998	31 May 2002	Mauritius.....		9 May 2001 a
Grenada.....		6 Aug 2002 a	Mexico	9 Jun 1998	7 Sep 2000
Guatemala.....	10 Jul 1998	5 Oct 1999	Micronesia (Federated States of)	17 Mar 1998	21 Jun 1999
Guinea.....		7 Sep 2000 a	Monaco	29 Apr 1998	27 Feb 2006
Guinea-Bissau.....		18 Nov 2005 a	Mongolia.....		15 Dec 1999 a
Guyana.....		5 Aug 2003 a	Montenegro.....		4 Jun 2007 a
Haiti		6 Jul 2005 a	Morocco.....		25 Jan 2002 a
Honduras.....	25 Feb 1999	19 Jul 2000			
Hungary		21 Aug 2002 a			

<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA)</i>	<i>Participant</i>	<i>Signature</i>	<i>Ratification, Acceptance(A), Accession(a), Approval(AA)</i>
Mozambique		18 Jan 2005 a	Solomon Islands	29 Sep 1998	13 Mar 2003
Myanmar.....		13 Aug 2003 a	Somalia		26 Jul 2010 a
Namibia		4 Sep 2003 a	South Africa.....		31 Jul 2002 a
Nauru		16 Aug 2001 a	Spain	29 Apr 1998	31 May 2002
Nepal.....		16 Sep 2005 a	Sri Lanka.....		3 Sep 2002 a
Netherlands (Kingdom of the) ⁵	29 Apr 1998	31 May 2002 A	St. Kitts and Nevis		8 Apr 2008 a
New Zealand ⁶	22 May 1998	19 Dec 2002	St. Lucia.....	16 Mar 1998	20 Aug 2003
Nicaragua.....	7 Jul 1998	18 Nov 1999	St. Vincent and the Grenadines	19 Mar 1998	31 Dec 2004
Niger	23 Oct 1998	30 Sep 2004	Sudan		2 Nov 2004 a
Nigeria		10 Dec 2004 a	Suriname		25 Sep 2006 a
Niue	8 Dec 1998	6 May 1999	Sweden.....	29 Apr 1998	31 May 2002
North Macedonia		18 Nov 2004 a	Switzerland	16 Mar 1998	9 Jul 2003
Norway	29 Apr 1998	30 May 2002	Syrian Arab Republic ...		27 Jan 2006 a
Oman		19 Jan 2005 a	Tajikistan		29 Dec 2008 a
Pakistan.....		11 Jan 2005 a	Thailand.....	2 Feb 1999	28 Aug 2002
Palau		10 Dec 1999 a	Timor-Leste		14 Oct 2008 a
Panama.....	8 Jun 1998	5 Mar 1999	Togo.....		2 Jul 2004 a
Papua New Guinea	2 Mar 1999	28 Mar 2002	Tonga		14 Jan 2008 a
Paraguay	25 Aug 1998	27 Aug 1999	Trinidad and Tobago	7 Jan 1999	28 Jan 1999
Peru.....	13 Nov 1998	12 Sep 2002	Tunisia		22 Jan 2003 a
Philippines	15 Apr 1998	20 Nov 2003	Türkiye.....		28 May 2009 a
Poland	15 Jul 1998	13 Dec 2002	Turkmenistan	28 Sep 1998	11 Jan 1999
Portugal.....	29 Apr 1998	31 May 2002 AA	Tuvalu.....	16 Nov 1998	16 Nov 1998
Qatar		11 Jan 2005 a	Uganda.....		25 Mar 2002 a
Republic of Korea.....	25 Sep 1998	8 Nov 2002	Ukraine	15 Mar 1999	12 Apr 2004
Republic of Moldova		22 Apr 2003 a	United Arab Emirates ...		26 Jan 2005 a
Romania.....	5 Jan 1999	19 Mar 2001	United Kingdom of Great Britain and Northern Ireland ^{7,8} ...	29 Apr 1998	31 May 2002
Russian Federation	11 Mar 1999	18 Nov 2004	United Republic of Tanzania.....		26 Aug 2002 a
Rwanda		22 Jul 2004 a	United States of America.....	12 Nov 1998	
Samoa	16 Mar 1998	27 Nov 2000	Uruguay	29 Jul 1998	5 Feb 2001
San Marino		28 Apr 2010 a	Uzbekistan	20 Nov 1998	12 Oct 1999
Sao Tome and Principe..		25 Apr 2008 a	Vanuatu.....		17 Jul 2001 a
Saudi Arabia		31 Jan 2005 a	Venezuela (Bolivarian Republic of)		18 Feb 2005 a
Senegal.....		20 Jul 2001 a	Viet Nam.....	3 Dec 1998	25 Sep 2002
Serbia.....		19 Oct 2007 a	Yemen.....		15 Sep 2004 a
Seychelles	20 Mar 1998	22 Jul 2002	Zambia	5 Aug 1998	7 Jul 2006
Sierra Leone.....		10 Nov 2006 a	Zimbabwe		30 Jun 2009 a
Singapore.....		12 Apr 2006 a			
Slovakia	26 Feb 1999	31 May 2002			
Slovenia	21 Oct 1998	2 Aug 2002			

Declarations and Reservations
(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession, acceptance or approval.)

AUSTRALIA

"The Government of Australia declares that it is eligible to apply the second sentence of Article 3.7 of the Protocol, using the Revised 1996 IPCC methodologies, as stipulated in Article 5.2 of the Protocol and paragraph 5 (b) of the Annex to Decision 13/CMP.1."

COOK ISLANDS

The Government of the Cook Islands declares its understanding that signature and subsequent ratification of the Kyoto Protocol shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of climate change and that no provision in the Protocol can be interpreted as derogating from principles of general international law.

In this regard, the Government of the Cook Islands further declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligation in article 3 of the Kyoto Protocol to be inadequate to prevent dangerous anthropogenic interference with the climate system."

EUROPEAN UNION

"The European Community and its Member States will fulfil their respective commitments under article 3, paragraph 1, of the Protocol jointly in accordance with the provisions of article 4."

Declaration by the European Community made in accordance with article 24 (3) of the Kyoto Protocol

"The following States are at present members of the European Community: the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland.

The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular article 175 (1) thereof, it is competent to enter into international agreements, and to implement the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;
- promoting measures at international level to deal with regional or world wide environmental problems.

The European Community declares that its quantified emission reduction commitment under the Protocol will be fulfilled through action by the Community and its Member States within the respective competence of each and that it has already adopted legal instruments, binding on its Member States, covering matters governed by the Protocol.

The European Community will on a regular basis provide information on relevant Community legal instruments within the framework of the supplementary information incorporated in its national communication submitted under article 12 of the Convention for the purpose of demonstrating compliance with its commitments under

the Protocol in accordance with article 7 (2) thereof and the guidelines thereunder."

IRELAND

"The European Community and the Member States, including Ireland, will fulfil their respective commitments under article 3, paragraph 1, of the Protocol in accordance with the provisions of article 4."

KIRIBATI

"The Government of the Republic of Kiribati declares its understanding that accession to the Kyoto Protocol shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of the climate change and that no provision in the Protocol can be interpreted as derogating from principles of general international law."

NAURU

"... The Government of the Republic of Nauru declares its understanding that the ratification of the Kyoto Protocol shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of climate change; ...

... The Government of the Republic of Nauru further declares that, in the light of the best available scientific information and assessment of climate change and impacts, it considers the emissions of reduction obligations in Article 3 of the Kyoto Protocol to be inadequate to prevent the dangerous anthropogenic interference with the climate system;

... [The Government of the Republic of Nauru declares] that no provisions in the Protocol can be interpreted as derogating from the principles of general international law[.]

NIUE

"The Government of Niue declares its understanding that ratification of the Kyoto Protocol shall in no way constitute a renunciation of any rights under international law concerning state responsibility for the adverse effects of climate change and that no provisions in the Protocol can be interpreted as derogating from the principles of general international law.

In this regard, the Government of Niue further declares that, in light of the best available scientific information and assessment of climate change and impacts, it considers the emissions reduction obligations in article 3 of the Kyoto Protocol to be inadequate to prevent dangerous anthropogenic interference with the climate system."

RUSSIAN FEDERATION

The Russian Federation proceeds from the assumption that the commitments of the Russian Federation under the Protocol will have serious consequences for its social and economic development. Therefore, the decision on ratification was taken following a thorough analysis of all factors, inter alia, the importance of the Protocol for the promotion of international cooperation, and taking into account that the Protocol can enter into force only if the Russian Federation ratifies it.

The Protocol establishes for each of the Parties that have signed it quantified reductions of greenhouse gas emissions to atmosphere for the first commitment period from 2008 to 2012.

The commitments of the Parties to the Protocol on quantified reductions of greenhouse gas emissions to atmosphere for the second and subsequent commitment periods of the Protocol, that is after 2012, will be established through negotiations of the Parties to the Protocol scheduled to start in 2005. On the outcome of

these negotiations the Russian Federation will take a decision on its participation in the Protocol in the second and subsequent commitment periods.

SYRIAN ARAB REPUBLIC

The accession of the Syrian Arab Republic to this Protocol shall in no way imply its recognition of Israel or entail its entry into any dealings with Israel in the matters governed by the provisions thereof.

Notes:

¹ For the purpose of entry into force of the [Convention/Protocol], any instrument of ratification, acceptance, approval or accession deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that Organization.

² In accordance with article 27 (2) of the Kyoto Protocol to the United Nations Framework Convention on Climate Change, the Government of Canada notified the Secretary-General that it had decided to withdraw from the Kyoto Protocol as from the date indicated hereinafter:

<i>Participant:</i>	<i>Date of notification:</i>	<i>Date of effect:</i>
Canada	15 Dec 2011	15 Dec 2012

³ In a communication received on 30 August 2002, the Government of the People's Republic of China informed the Secretary-General of the following:

In accordance with article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China of 1990 and article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China of 1993, the Government of the People's Republic of China decides that the Kyoto Protocol to the United Nations Framework Convention on Climate Change shall provisionally not apply to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People's Republic of China.

Further, in a communication received on 8 April 2003, the Government of the Government of the People's Republic of China notified the Secretary-General of the following:

"In accordance with the provisions of Article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China of 1990, the Government of the People's Republic of China decides that the United Nations Framework Convention on Climate Change and the Kyoto Protocol to the United Nations Framework Convention on Climate Change shall apply to the Hong Kong Special Administrative Region of the People's Republic of China.

The United Nations Framework Convention on Climate Change continues to be implemented in the Macao Special Administrative Region of the People's Republic of China. The Kyoto Protocol to the United Nations Framework Convention on Climate Change shall not apply to the Macao Special

Administrative Region of the People's Republic of China until the Government of China notifies otherwise."

In a communication received on 14 January 2008, the Government of the Government of the People's Republic of China notified the Secretary-General of the following:

In accordance with Article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Kyoto Protocol to the United Nations Framework Convention on Climate Change shall apply to the Macao Special Administrative Region of the People's Republic of China.

⁴ With a territorial exclusion to the Faroe Islands.

⁵ For the Kingdom in Europe.

⁶ With the following declaration:

".....consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory."

⁷ By a communication received on 27 March 2007, the Government of Argentina notified the Secretary-General of the following:

The Argentine Republic objects to the extension of the territorial application to the Kyoto Protocol to the United Nations Framework Convention on Climate Change of 11 December 1997 with respect to the Malvinas Islands, which was notified by the United Kingdom of Great Britain and Northern Ireland to the Depositary of the Convention on 7 March 2007.

The Argentine Republic reaffirms its sovereignty over the Malvinas Islands, the South Georgia and South Sandwich Islands and the surrounding maritime spaces, which are an integral part of its national territory, and recalls that the General Assembly of the United Nations adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6, 40/21, 41/40, 42/19 and 43/25, which recognize the existence of a dispute over sovereignty and request the Governments of the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to initiate negotiations with a view to finding the means

to resolve peacefully and definitively the pending problems between both countries, including all aspects on the future of the Malvinas Islands, in accordance with the Charter of the United Nations.

⁸ On 4 April 2006, the Government of the United Kingdom informed the Secretary-General that the Protocol shall apply to the Bailiwick of Guernsey and the Isle of Man. On 2 January 2007: in respect of Gibraltar. On 7 March 2007: in respect of Bermuda, Cayman Islands, Falkland Islands (Malvinas) and the Bailiwick of Jersey.

Annex 606

Declarations made upon signature of the Doha Amendment to the Kyoto Protocol,
3377 UNTS

7. c) Doha Amendment to the Kyoto Protocol

Doha, 8 December 2012

ENTRY INTO FORCE:	31 December 2020, in accordance with article 2 which reads as follows: “This amendment shall enter into force in accordance with Articles 20 and 21 of the Kyoto Protocol.” Pursuant to Article 20, paragraph 4, and Article 21, paragraph 7 of the Kyoto Protocol, the Amendment 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 Kyoto Protocol..
REGISTRATION:	31 December 2020, No. 30822.
STATUS:	Parties: 148.
TEXT:	See the text of the Amendment in: C.N.718.2012.TREATIES-XXVII.7.c; C.N.491.2013.Reissued.25112014.TREATIES-XXVII.7.c of 7 August 2013 (Proposal of corrections to the Chinese authentic text of the Doha Amendment to the Kyoto Protocol) and C.N.966.2013.Reissued.25112014.TREATIES-XXVII.7.c of 27 November 2013 (Corrections); C.N.581.2013.Reissued.25112014.TREATIES-XXVII.7.c of 18 September 2013 (Proposal of corrections to the Chinese authentic text of the Doha Amendment to the Kyoto Protocol) and C.N.967.2013.Reissued.25112014.TREATIES-XXVII.7.c of 27 November 2013 (Corrections); C.N.556.2014.TREATIES-XXVII.7.c of 12 September 2014 (Proposal of correction to the Chinese authentic text) and C.N.811.2014.TREATIES-XXVII.7.c of 18 December 2014 (Corrections); C.N.741.2014.TREATIES-XXVII.7.c of 24 November 2014 (Proposal of corrections to the Arabic, French, Spanish and Russian authentic texts) and C.N.147.2015.TREATIES-XXVII.7.c of 27 February 2015 (Corrections); C.N.967.2013.Reissued.25112014.TREATIES-XXVII.7.c of 25 November 2014 (Corrections to the Chinese authentic text).

Note: On 8 December 2012, at the eighth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), held in Doha, Qatar, the Parties adopted, in accordance with Articles 20 and 21 of the Protocol, an Amendment to the Kyoto Protocol by [Decision 1/CMP.8](#).

<i>Participant</i>	<i>Acceptance(A)</i>	<i>Participant</i>	<i>Acceptance(A)</i>
Albania.....	22 Oct 2020 A	Bulgaria	21 Dec 2017 A
Algeria	28 Sep 2015 A	Burkina Faso.....	29 Nov 2016 A
Angola	22 Sep 2020 A	Cabo Verde	15 Jun 2022 A
Antigua and Barbuda	23 Sep 2016 A	Cambodia.....	17 Nov 2015 A
Argentina ¹	1 Dec 2015 A	Chile.....	10 Nov 2015 A
Armenia	31 Mar 2017 A	China.....	2 Jun 2014 A
Australia.....	9 Nov 2016 A	Comoros.....	7 Sep 2014 A
Austria	21 Dec 2017 A	Congo.....	14 May 2015 A
Azerbaijan.....	1 Jul 2015 A	Cook Islands	5 Nov 2018 A
Bahamas.....	4 Nov 2015 A	Costa Rica.....	21 Sep 2016 A
Bangladesh.....	13 Nov 2013 A	Croatia	21 Dec 2017 A
Barbados	14 Aug 2013 A	Cuba.....	28 Dec 2016 A
Belgium	14 Nov 2017 A	Cyprus.....	10 Dec 2015 A
Belize	24 Jul 2018 A	Czech Republic.....	21 Dec 2017 A
Benin.....	29 Aug 2018 A	Denmark ²	21 Dec 2017 A
Bhutan.....	29 Sep 2015 A	Djibouti.....	23 Sep 2014 A
Bolivia (Plurinational State of).....	17 Sep 2020 A	Dominica	15 Jul 2019 A
Botswana	7 Mar 2016 A	Dominican Republic	21 Sep 2016 A
Brazil	13 Feb 2018 A	Ecuador.....	20 Apr 2015 A
Brunei Darussalam	14 Nov 2014 A	Egypt.....	3 Feb 2020 A

<i>Participant</i>	<i>Acceptance(A)</i>
El Salvador	18 Sep 2019 A
Eritrea	3 May 2018 A
Estonia	21 Dec 2017 A
Eswatini	21 Sep 2016 A
Ethiopia.....	26 Jun 2015 A
European Union.....	21 Dec 2017 A
Fiji	19 Sep 2017 A
Finland	16 Nov 2017 A
France	30 Nov 2017 A
Gabon.....	1 Dec 2017 A
Gambia.....	7 Nov 2016 A
Georgia	16 Jun 2020 A
Germany	14 Nov 2017 A
Ghana.....	24 Sep 2020 A
Greece.....	21 Dec 2017 A
Grenada.....	1 Apr 2015 A
Guatemala.....	15 Oct 2019 A
Guinea.....	6 Apr 2016 A
Guinea-Bissau.....	22 Oct 2018 A
Guyana	23 Dec 2014 A
Honduras.....	11 Apr 2014 A
Hungary	1 Oct 2015 A
Iceland	7 Oct 2015 A
India	8 Aug 2017 A
Indonesia.....	30 Sep 2014 A
Ireland.....	21 Dec 2017 A
Italy	18 Jul 2016 A
Jamaica	1 Oct 2020 A
Jordan.....	3 Jan 2020 A
Kenya.....	7 Apr 2014 A
Kiribati.....	11 Feb 2016 A
Kuwait	8 May 2019 A
Lao People's Democratic Republic.....	23 Apr 2019 A
Latvia	21 Dec 2017 A
Lesotho	18 Jan 2019 A
Liberia.....	17 Aug 2015 A
Liechtenstein.....	23 Feb 2015 A
Lithuania.....	22 Nov 2017 A
Luxembourg.....	21 Sep 2017 A
Madagascar.....	1 Oct 2015 A
Malawi	29 Jun 2017 A
Malaysia.....	12 Apr 2017 A
Maldives	1 Jul 2015 A
Mali.....	7 Dec 2015 A
Malta.....	21 Dec 2017 A
Marshall Islands.....	7 May 2015 A

<i>Participant</i>	<i>Acceptance(A)</i>
Mauritius.....	5 Sep 2013 A
Mexico	23 Sep 2014 A
Micronesia (Federated States of).....	19 Feb 2014 A
Monaco	27 Dec 2013 A
Mongolia.....	20 Feb 2019 A
Montenegro.....	26 Dec 2018 A
Morocco.....	5 Sep 2014 A
Myanmar.....	19 Sep 2017 A
Namibia	17 Feb 2015 A
Nauru	1 Dec 2014 A
Netherlands (Kingdom of the) ³	22 Nov 2017 A
New Zealand ⁴	30 Nov 2015 A
Nicaragua.....	3 Jul 2019 A
Niger	1 Aug 2018 A
Nigeria	2 Oct 2020 A
Niue	10 Dec 2019 A
North Macedonia	18 Oct 2019 A
Norway	12 Jun 2014 A
Pakistan.....	31 Oct 2017 A
Palau	10 Mar 2015 A
Panama.....	29 Sep 2015 A
Paraguay	21 Feb 2019 A
Peru	24 Sep 2014 A
Philippines	13 Apr 2016 A
Poland	28 Sep 2018 A
Portugal.....	22 Nov 2017 A
Qatar	28 Oct 2020 A
Republic of Korea.....	27 May 2015 A
Romania.....	3 May 2016 A
Rwanda	20 Nov 2015 A
Samoa	18 Sep 2015 A
San Marino	4 Aug 2015 A
Senegal.....	27 May 2020 A
Serbia	30 Jun 2017 A
Seychelles	15 Jul 2015 A
Sierra Leone.....	15 Jun 2020 A
Singapore.....	23 Sep 2014 A
Slovakia	16 Nov 2017 A
Slovenia	21 Dec 2017 A
Solomon Islands	5 Sep 2014 A
South Africa.....	7 May 2015 A
Spain	14 Nov 2017 A
Sri Lanka.....	2 Dec 2015 A
St. Kitts and Nevis	25 Oct 2016 A
St. Lucia.....	20 Nov 2018 A
Sudan	3 Feb 2014 A

<i>Participant</i>	<i>Acceptance(A)</i>
Sweden.....	14 Nov 2017 A
Switzerland	28 Aug 2015 A
Thailand.....	1 Sep 2015 A
Togo.....	30 Oct 2018 A
Tonga.....	22 Oct 2018 A
Trinidad and Tobago	6 Aug 2015 A
Tuvalu.....	4 Dec 2014 A
Uganda.....	8 Jul 2015 A

<i>Participant</i>	<i>Acceptance(A)</i>
United Arab Emirates	26 Apr 2013 A
United Kingdom of Great Britain and Northern Ireland ^{5,6}	17 Nov 2017 A
Uruguay	12 Sep 2018 A
Vanuatu.....	15 Mar 2018 A
Venezuela (Bolivarian Republic of).....	1 Mar 2018 A
Viet Nam.....	22 Jun 2015 A
Zambia.....	22 Aug 2019 A
Zimbabwe	20 Apr 2016 A

Declarations and Reservations

(Unless otherwise indicated, the declarations and reservations were made upon acceptance.)

BELIZE

“The Government of Belize declares its understanding that acceptance of the aforesaid Doha Amendment shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of climate change and that no provision in the Protocol, as amended, can be interpreted as derogating from principles of general international law.

The Government of Belize declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligations in Article 3 of the Kyoto Protocol and the aforesaid Doha Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-industrial levels and, as a consequence, will have severe implications for our national interest.”

CHINA

In accordance with the Basic Law of the Hong Kong Special Administrative Region of the People’s Republic of China and the Basic Law of the Macao Special Administrative Region of the People’s Republic of China, the Government of the People’s Republic of China decides that the above-mentioned Amendment applies to the Hong Kong Special Administrative Region and the Macao Special Administrative Region of the People’s Republic of China.

EUROPEAN UNION

**“DECLARATION BY THE EUROPEAN UNION
MADE IN ACCORDANCE WITH ARTICLE 24 (3) OF
THE KYOTO PROTOCOL**

The following are at present Member States of the European Union: the Kingdom of Belgium, the Republic of Bulgaria, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, Ireland, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Republic of Croatia, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, Romania, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, and the United Kingdom of Great Britain and Northern Ireland.

The European Union declares that, in accordance with the Treaty on the Functioning of the European Union, and in particular Article 192 (1) and Article 191 thereof, it is competent to enter into international agreements, and to

implement the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

- preserving, protecting and improving the quality of the environment;
- protecting human health;
- prudent and rational utilisation of natural resources;
- promoting measures at international level to deal with regional or worldwide environmental problems, and in particular combating climate change.

The European Union declares that its quantified emission reduction commitment for the second commitment period of the Kyoto Protocol (2013-2020) will be fulfilled by means of action by the European Union and its Member States within the respective competence of each. The legally binding instruments to implement its commitment, covering matters governed by the Kyoto Protocol as amended by the Doha Amendment, are already in force.

The European Union will continue to provide information, on a regular basis, on relevant European Union legal instruments within the framework of the supplementary information incorporated in its National Communication submitted under Article 12 of the Convention for the purpose of demonstrating compliance with its commitments under the Kyoto Protocol in accordance with Article 7 (2) thereof and the guidelines thereunder.”

FRANCE

The ratification by the French Republic of the amendment to the Kyoto Protocol, adopted in Doha on 8 December 2012, should be interpreted in the context of the commitment assumed under article 4 of the Protocol by the European Union, from which it is indissociable. The ratification does not therefore apply to the Territories of the French Republic to which the Treaty on European Union is not applicable.

ITALY

“With regard to the instrument of acceptance of the Doha Amendment to the Kyoto Protocol deposited on 18 July 2016, the Government of Italy would like to point out that given the nature of the rights and obligations provided for therein and taking into account the legal system of the European Union (the EU) and its Member States, implementation will only be possible and obligations will come into effect once the EU and all its Member States will have deposited their relevant instruments of acceptance.”

MARSHALL ISLANDS

“... the Government of the Republic of the Marshall Islands declares its understanding that ratification of the Doha Amendment shall in no way constitute a renunciation of any rights under the international law concerning State responsibility for the adverse of climate change and that no provision in the Protocol, as amended, can be interpreted as derogating from principles of general international law.

Furthermore, the Government of the Republic of the Marshall Islands declares that, in light of best scientific information and assessment on climate change and its impacts, it considers the emission reduction obligations in Article 3 of the Kyoto Protocol and aforesaid Doha Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-Industrial levels and as a consequence, will have severe implications for our national interests.”

MICRONESIA (FEDERATED STATES OF)

“[T]he Government of the Federated States of Micronesia declares its understanding that ratification of the aforesaid Doha Amendment shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of climate change and that no provision in the Protocol, as amended, can be interpreted as derogating from principles of general international law.

[T]he Government of the Federated States of Micronesia declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligations in Article 3 of the Kyoto Protocol and the aforesaid Doha Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-industrial levels and, as a consequence, will have severe implications for our national interests.”

NAURU

“[T]he Government of the Republic of Nauru declares its understanding that ratification of the aforesaid Doha Amendment shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of climate change and that no provision in the Protocol, as amended, can be interpreted as derogating from principles of general international law.

[T]he Government of Nauru declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligations in Article 3 of the Kyoto Protocol and the aforesaid Doha Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-industrial levels and, as a consequence, will have severe implications for our national interest.”

POLAND

1) in the light of the content of the Doha Amendment and given the fact that the European Union and its Member States share competences in the areas covered by the Amendment, performance of the obligations arising under it will only be possible once the European Union and all its Member States have deposited their relevant instruments of acceptance;

2) given that the areas regulated by the Doha Amendment fall within respective scope of competence of the European Union and the Member States and having in mind the Agreement between the European Union and its Member States, of the one part, and Iceland, of the other part, concerning Iceland's participation in the joint fulfilment of the commitments of the European Union, its Member States and Iceland for the second commitment period of the Kyoto Protocol to the United Nations

Framework Convention on Climate Change, the exercise of rights and obligations arising from the Doha Amendment by the European Union, its Member States and Iceland requires close and consistent cooperation between the European Union, its Member States and Iceland;

3) in particular the performance of the obligations arising from the Doha Amendment by the European Union and its Member States, which have significant implications for Member States in terms of their choice between different energy sources or the general structure of their energy supply, requires consistent cooperation of the European Union and all its Member States;

4) the acceptance of the Doha Amendment does not restrict rights of the Republic of Poland as a sovereign state having freedom to act on the international scene, to take necessary measures with a view to protecting its rights resulting from treaties concluded in the area of climate change, including the Kyoto Protocol to the United Nations Framework Convention on Climate Change, done on 11 December 1997, and Paris Agreement to the United Nations Framework Convention on Climate Change, done on 12 December 2015.

SOLOMON ISLANDS

“The Government of Solomon Islands declares its understanding that acceptance of the aforesaid Amendment shall in no way constitute a renunciation of any rights under international law concerning State responsibility for the adverse effects of the climate change and that no provision in the Protocol, as amended, can be interpreted as derogating from principles of general international law.

The Government of Solomon Islands further declares that, in light of the best available scientific information and assessment on climate change and its impacts, it considers the emissions reduction obligations in Article 3 of the Kyoto Protocol and the aforesaid Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-industrial levels and as a consequence, will have severe implications for our national interests.”

ST. LUCIA

“The Government of Saint Lucia declares its understanding that ratification of the Doha Amendment shall in no way constitute a renunciation of any rights under the international law concerning State responsibility for the adverse effects of climate change and that no provision in the Protocol, as amended, can be interpreted as derogating from principles of general international law.

Furthermore, the Government of Saint Lucia declares that, in light of best scientific information and assessment on climate change and its impacts, it considers the emission reduction obligations in Article 3 of the Kyoto Protocol and aforesaid Doha Amendment to be inadequate to prevent a global temperature increase of 1.5 degrees Celsius above pre-Industrial levels and as a consequence, will have severe implications for our national interests.”

VENEZUELA (BOLIVARIAN REPUBLIC OF)

The Bolivarian Republic of Venezuela does not accept the implementation of carbon market mechanisms or mechanisms for the trading of emission rights or units under schemes or arrangements that transgress the rules and norms established in the Convention and environmental integrity, nor does it accept the continuation, proliferation and strengthening of the aforesaid mechanisms through future alliances with other mechanisms of a similar nature that may be established in other international instruments or treaties adopted by the

Conference of the Parties to the United Nations Framework Convention on Climate Change.

For the Bolivarian Republic of Venezuela, this acceptance also involves the strict interpretation and application of the principle of common but differentiated responsibilities, in that the greenhouse gas emission limitation and reduction commitments are exclusive obligations of Annex I countries, in accordance with the principles established in the United Nations Framework Convention on Climate Change, which constitute the basis of the Kyoto Protocol, and any other future agreement regulating the subject.

For the Bolivarian Republic of Venezuela, no provision of this Amendment, nor subsequent applications thereof through decisions of the Conference of the Parties, shall constitute a renunciation of any of its rights under international law, nor shall the application thereof be interpreted as a renunciation of or derogation from the general principles of international law, it being understood that all the provisions of article 2, paragraph 3, of the Kyoto Protocol and of articles 2 and 3 as well as article 4, paragraphs 8 and 10, of the United Nations Framework Agreement on Climate Change are in the national interest.

Notes:

¹ On 1 October 2020, the Secretary-General received a communication from the Argentine Republic relating to the territorial application by the United Kingdom of Great Britain and Northern Ireland in respect of Falkland Islands (Malvinas).

See C.N.429.2020.TREATIES-XXVII.7.c dated 6 October 2020 for the text of the above-mentioned communication.

² With territorial exclusion in respect of the Faroe Islands and Greenland. See C.N.773.2017.TREATIES-XXVII.7.c of 21 December 2017.

³ For the European Part of the Netherlands.

⁴ Upon its acceptance of the Amendment, the Government of New Zealand notified the Secretary-General of the following:

“... consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, [the acceptance by New Zealand of the Doha Amendment] shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory...”

⁵ On 1 September 2020, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that its acceptance of the Amendment is extended to the following territories as follows :

“... the Government of the United Kingdom of Great Britain and Northern Ireland hereby extends the application of the United Kingdom's acceptance of the Amendment to the following territories for the international relations of which the United Kingdom is responsible:

Falkland Islands

Gibraltar

Isle of Man

Bailiwick of Guernsey

Bailiwick of Jersey

The Government of the United Kingdom of Great Britain and Northern Ireland considers the extension of the Amendment to the above territories will come into effect upon the entry into force of the Amendment for the United Kingdom. In the meantime, the United Kingdom of Great Britain and Northern Ireland and the above territories will continue to comply voluntarily.”

On 14 December 2020, the Government of the United Kingdom of Great Britain and Northern Ireland notified the Secretary-General that its acceptance of the Amendment is extended to the Cayman Islands.

See C.N.561.2020.TREATIES-XXVII.7.c of 16 December 2020 for the notification.

⁶ On 2 December 2020, the Secretary-General received a communication from the United Kingdom of Great Britain and Northern Ireland regarding the communication of the Argentine Republic relating to the territorial application by the United Kingdom of Great Britain and Northern Ireland in respect of the Falkland Islands.

See C.N.543.2020.TREATIES-XXVII.7.c of 4 December 2020 for the text of the communication.

Annex 607

Oral statement by Samoa at the twenty-sixth session of the Conference of the Parties
(COP 26) to the United Nations Framework Convention on Climate Change
(UNFCCC), undated



Statement

by

Honourable Fiame Naomi Mataafa

Prime Minister of the Independent State of Samoa

For the World Leaders Summit at the

26th session of the Conference of the Parties (COP 26) to the UNFCCC

Glasgow, UK: 1 – 2 November 2021

Excellencies

Distinguished Delegates

Ladies and Gentlemen

Climate change has long been an interwoven fabric of life for the Blue Pacific including Samoa over decades. As Small Island Developing States (SIDS), we first told the world that our coastlines were eroding, the sea level was rising and climate change was human-induced. Many did not take our concerns seriously; some wanted scientific evidence while others remained in denial. Now, the recent IPCC reports confirm all this and more. As humanity, there is no time for second guessing. We need to act urgently and decisively with much higher climate ambition, to correct our mistakes that led to the current climate crises.

We acknowledge efforts by all parties that have committed to ambitious climate action. However, it is concerning that there is still a wide emissions gap in meeting the 1.5°C goal. Even with limiting warming to 1.5°C, SIDS will continue to incur severe loss and damage. Exceeding this will be catastrophic for us; hence the constant iteration by the Blue Pacific Leaders, that climate change is the single greatest threat to our people and islands.

We recognize the double burden of addressing the parallel crises of climate change and the pandemic, but we stand to lose a lot more if we remain in a state of inaction. The COVID-19 pandemic should not delay ambitious climate action. Instead, sustainable economic recovery should be catalyzed through investments that are clean, climate-smart and in line with net zero emissions by 2050.

The development of COVID-19 vaccines was the fastest in history. Its rollout around the world at large scale required a massive global coordinated effort. I often ponder on how we can push for this historical, united, urgent global response at the same massive scale to help us reach the 1.5 degrees Celsius promise of the Paris Agreement. For us as the Blue Pacific, we need to inject some of that urgency and ambitious actions, like what we achieved with the COVID19 vaccinations, to deliver the needed climate action.

It is in Glasgow, that climate urgency enters the collective consciousness. We must ensure through commitments and our decisions at COP26, that we keep the hope of a 1.5 degree world. This is our point of no return.

But we as SIDS, know that despite our best efforts, the real impact to reverse the cycle of decline we are in; relies on the will and commitment of others. For this reason, we will persist to call on everyone especially the major emitters, to commit to ambitious emissions cuts by 2030; implement commitments consistent with the 1.5°C scenario and net zero global emissions by 2050. Nature based solutions should take precedence in our sustainable development efforts. Phasing out of coal plants and all fossil fuel subsidies and investments are critical.

We continue to stress the importance of the delivery of the US 100 billion goal to ensuring the implementation of ambitious mitigation commitments. However, funding for the root causes of climate change is exponentially greater than funding for the response to climate change. This must change. We need to ensure a new scaled up climate finance goal that builds on the **USD100 billion floor**. We must guarantee a balanced allocation of climate finance between mitigation and adaptation. Climate finance made available to SIDS are still insufficient **and are mainly in the form of loans**. SIDS must receive scaled up, adequate, predictable and long-term support from the international community to adapt. Loss and damage needs dedicated funding. COP 26 must address the long-term and permanent consequences of insufficient climate action.

While we urge for COP 26 to conclude negotiations on the Paris Rulebook, it is important that it adopts a Markets mechanism which delivers meaningful global emissions reductions. We must ensure that we continue to uphold the principle of environmental integrity and keep the Paris Agreement promise. This is critical when finalising COP26 outcomes.

Lastly but not the least, the Ocean absorbs nearly a quarter of annual carbon dioxide emissions and plays a central role in regulating the Earth's climate. The climate-ocean nexus is clear, thus oceans needs to feature more in the work of the UNFCCC. This is an important priority for the Blue Pacific. Furthermore, slow and onset events such as sea level rise due to climate change threatens the security of our maritime zones. This is why the Pacific Leaders have endorsed *the Declaration on Preserving Maritime Zones in the face of Climate-Change Related Sea Level Rise*. The Declaration states very clearly our region's collective position and commitment to maintaining our maritime zones without reduction in the face of climate change related sea level rise.

Excellencies,

Climate change is at the heart of our vulnerabilities as nations and peoples. **While we may be the worst affected**, the real solution is not in our hands, especially when it comes to global emission reductions. However, through the COP26 negotiations and the multilateral process, we hope to shape the solutions to save our planet. **There are no trade offs**. We are negotiating the survival of our islands.

Thank you.

Annex 608

“Climate Vulnerable Economies Loss Report”, *Vulnerable Twenty Group*, June 2022



V20 | VULNERABLE
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GROUP

CLIMATE VULNERABLE ECONOMIES LOSS REPORT

Economic losses attributable to
climate change in V20 economies
over the last two decades
(2000-2019)



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I. PREFACE

Economic impact of climate change in the past two decades in 55 of the world's most climate vulnerable nations

Climate vulnerable countries are reeling from multiple crises – the debilitating impacts of Covid-19, significant debt distress, the prevailing fuel and food crisis driven by the Russia-Ukraine war, in addition to climate impacts. This report presents a unique study into the recent economic loss and damage suffered by the world's most climate vulnerable economies – the members of the Vulnerable Twenty (V20) Group and Climate Vulnerable Forum (CVF).

This report demonstrates how, over the last 20 years, the most at-risk economies of the V20 lost over half their economic growth potential due to the negative effects of human-induced climate change. On average a fifth of the GDP of our 55 economies has been eliminated – in other words, without climate change, our people would be 20% wealthier today. We are bearing this alarmingly high economic cost, despite having contributed the least to causing climate change, while also being least equipped to respond to its costly consequences. These enormous economic costs barely cover the significant and irreversible damage that would be done to ecosystems, social structures, and lives from extreme climate events. Losses and damage go well beyond what can be quantified in dollars and cents in the form of lost and destroyed lives, livelihoods, land, even threats to our culture. A breaching of

the threshold temperature of 1.5°C, would send the world into climate chaos – accelerating weather cycles, accentuating severe weather events like flooding, sea level rise, and heatwaves amongst others.

Although Africa contributes only about 3.8% of global greenhouse gas emissions, Africa bears alarmingly high economic cost due to climate change. According to the UNECA, responding to climate change vulnerabilities costs African countries 3-5 percent of GDP annually and, in some cases, more than 15 percent. With V20 countries representing some of the fastest -growing economies in the world, the future of the World Economy could be severely impaired with worsening issues of poverty, food and physical security if adaptation measures are not stepped up to protect these economies.

The failure of developed countries to deliver on the annual \$100 billion climate finance from 2009 to 2022 has had dire effects on the implementation of mitigation and adaptation measures. Meeting and exceeding the COP26 agreed Delivery Plan to make-up for shortcomings on the delivery of the annual \$100 billion financing and the doubling of adaptation finance by 2025 would be crucial to the world's economic well-being.

It is disconcerting to realise that even if international adaptation funding doubles, helping to make positive adjustments towards a climate resilient future, we will not always succeed in recovering what we are losing day-in-day-out, year-in, year-out because of climate change impacts.

V20 finance ministries and communities are

already allocating alarmingly significant and growing proportions of their public budgets to cover rapidly growing loss and damage costs, which diminishes the already scarce resources intended to support critical economic and development strategies in education, public health, nutrition, energy access, and jobs creation.

The V20 Group of Finance Ministers representing 55 of the world's most climate-vulnerable economies reiterate our need for separate and dedicated international funding for loss and damage. Through the V20's role in co-chairing the InsuResilience Global Partnership and our engagement in further important financial protection mechanisms, including the Global Shield and the Insurance Development Forum, we must close the massive 98% financial protection gap against climate and disaster risks in the V20 as rapidly as possible.

In wealthy economies it is commonplace to have insurance against natural disasters for homes, buildings, and other assets, but in the V20 such financial protection is still considered a privilege. Yet, for as long as the protection gap prevails, there is the need to secure additional resources to support communities on the frontline - to rebuild their lives and livelihoods as they are, in too many cases, affected by recurring and constant climate incidents, due to worsening climate events and related impacts.

For this reason, at our V20 Ministerial Dialogue in April this year, the V20 resolved to pioneer its own loss and damage funding mechanism. We have allocated and mobilized funds from the philanthropic

community through our own CVF & V20 Joint Multi-Donor Fund to channel resources directly into the worst affected communities of the V20 with small-scale grants. We are working with the Global Environment Facility's Small Grants Programme to develop our V20 loss and damage funding mechanism.

The GEF has managed billions of dollars in over 20,000 small grants in more than 130 countries including current projects in 41 Least Developed Countries and 37 Small Island Developing States. By COP27 we plan to demonstrate from this endeavour that loss and damage funding fills a vital gap in the climate finance landscape, that it can be financed effectively and efficiently, and that loss and damage funding is entirely possible at scale.

Still, what the V20 can do on our own is limited and only makes sense if the world's rich, powerful and climate change responsible nations can be inspired by our pathbreaking efforts and go beyond. It should fall on COP27 to decisively act on the void of finance for loss and damage. This will be a litmus test indicating the willingness of the Parties who fueled the current climate crisis to begin taking significant responsibility for their role in global warming and acknowledging the moral responsibility to reduce the impacts of their actions on the developing world's poor and vulnerable nations. As a matter of pragmatism and justice, the V20 and CVF are thereby calling on COP27 to establish an international financing mechanism for climate change loss and damage in solidarity with victims least responsible for, and least equipped to withstand, the

increasingly extreme shocks driven by climate change.

In the words of Dr. Kwame Nkrumah, the first President of Ghana, “The forces that unite us are intrinsic and greater than the superimposed influences that keep us apart.” Our President today, His Excellency Nana Addo Dankwa Akufo-Addo, took up the mantle of Chair of the CVF only last month and Ghana will be leading the work of the CVF and V20 for the next two years. We intend to play our role with a spirit of fierce urgency to ensure that global solidarity and action on the climate crisis is strengthened for the protection of the most climate vulnerable and for the rest of the world.



Hon. Kenneth Nana Yaw Ofori-Atta

Hon. Kenneth Nana Yaw Ofori-Atta
Minister for Finance and Economic Planning of Ghana
Incoming V20 Chair

II. EXECUTIVE SUMMARY

- Building on two already published and peer-reviewed econometric models (Baarsch et al., 2020; Burke et al., 2015) that assess the consequences of climate variability and change on economic development, the study focuses on economic losses that occurred for the period ranging from 1980 to 2019. For the first time, the analysis aims at estimating climate change-attributable economic losses by comparing losses in the observed climate (S. Lange et al., 2021) against losses in a counterfactual climate in which climate change would not have occurred (Mengel et al., 2021). The model estimates are validated against a set of climate-related disasters that occurred in V20 economies.
- The majority of V20 economies are already affected by a changing climate far beyond their so-called (economically) optimum temperature. Due to the underlying micro-level mechanisms leading to the formation of the optimum temperature, moving it up, to adapt to increasing temperatures, will require unprecedented levels of investments. Limiting global mean temperature increase below 1.5°C would reduce the level of investments required to adapt.
- For all V20 economies for the 2000-2019 period, climate change attributable losses average 0.92% of a given level of annual economic growth and total to 20% of the GDP over the last two decades (2000-2019). Meaning the GDP of the V20 as a whole would have been 20% higher today had it not been for climate change. To contextualize these findings in a country example: in the specific case of Ghana, the loss to growth due to climate change in this period is estimated at 0.50% a year on average. Ghana's actual average growth of 4% for the period would have been 4.5% without climate change. When looking at the most at-risk V20 members (the tenth percentile of economies assessed) losses add up to an estimated average of 51 percent of the GDP over the twenty year period (2000-2019), or more than half of their economic potential since the year 2000.
- Due to anthropogenic climate change, historical temperatures across the majority of V20 economies have already exceeded their optimum temperatures. Hence, it is very likely that further warming will lead to an increase in losses at the macroeconomic level. Countries that were close to their optimum, but still below, will start experiencing this level being exceeded and could potentially face losses as a result of temperature stress on their economies.
- Looking specifically at the effects of changes in hydrometeorology, all V20 economies face reductions in

their GDP per capita, due to a lack of adaptation to current precipitation patterns. As the consequences of climate change progressively affect precipitation patterns, more countries in V20 are exposed to an increased economic burden on the ability to develop. The losses - on average between -10 and 15% of the growth potential - estimated in all V20 economies are compelling and shed a light on the urgent and massive level of investments required to adapt to climate change.

- The results of modelling are compared with climate-related disasters that affected V20 economies. This comparison allows to highlight Tuvalu as a case where international finance has made a difference. For Tuvalu, the effect estimated by the model does not

reflect the disaster year's GDP per capita dynamic. While the drought and its consequences were unfolding on the islands, the Government of Tuvalu received a significant increase in ODA (from US\$ 13.9 million or 27% of GNI in 2010 to US\$ 37.3 million or 64% of GNI in 2011), this increase in ODA contributed to totally offset the negative consequences of the drought at the macroeconomic level. The example of Tuvalu is an illustration of the benefits associated with a mechanism, at the national, regional or international level that would support countries in the aftermath of climate-related disasters - in line with the on-going negotiations on loss and damage at the UNFCCC - although such mechanisms can never compensate for lives lost.

KEY FINDINGS



Climate change has eliminated one fifth of the wealth of the V20 over the last two decades: initial evidence shows that the V20 would have been 20% wealthier today had it not been for climate change and the losses it incurred for poor and vulnerable economies.



In aggregate dollar terms, V20 economies have lost approximately US\$ 525 billion because of climate change's temperature and precipitation patterns affects (2000–2019).



For the most at-risk countries (10% of worst affected V20 economies), economic losses due to climate change are estimated to exceed half (51%) of all growth since the year 2000 (2000–2019): the most at-risk of the world's most climate vulnerable nations would be twice as wealthy today were it not for climate change.



Economic losses cut GDP growth in the V20 by one full percent each year on average (minus 0.9% to the percentage of growth which averaged 3.7% in 2019 across the V20).



The year-to-year reduction in GDP per capita growth attributable to climate change represents one quarter (25%) of the actual average annual economic growth of the V20 economies today (2019); for the 10% most at-risk V20 members the climate change attributable losses to annual growth already significantly exceed the total actual average GDP growth rate (of 0.38% per year, 2015–2019).



Nearly all V20 economies have already warmed to mean temperatures that are far beyond what would be optimal for generating economic growth, and thereby instead incur economic losses – additional warming will only carry V20 economies further from the optimum, greatly increasing the risks of losses in the future.



Given warming is set to progress to within 1.5°C in the next decade regardless of further mitigation action, even as adaptation accelerates economic losses would continue to increase. Adaptation needs to accelerate at a phenomenal rate both to prevent loss and damage at current levels, as well as to offset the growth in economic losses and damage that will be generated as temperatures continue to rise with hydro-meteorological extremes becoming more pronounced in parallel.



Because the estimated economic losses due to hydro-meteorological extreme events are higher in the last two decades than the previous two decades, the world's most vulnerable economies are also not adapting fast enough to cope with weather extremes of the changing climate as it currently stands.



Analysis presented in this report provides initial evidence that international aid support supplied to V20 economies affected by hydro-meteorological extremes can diminish the negative macro-economic effect that would otherwise have prevailed, underscoring the importance of funding for loss and damage.



KEY FINDINGS

JUNE 2022 V20 REPORT ON ECONOMIC LOSS AND DAMAGE

20%
⬇️

V20 would be 20% wealthier today

Climate change eliminated 1/5th of wealth over the last 2 decades.

US\$
525B

V20 economies have lost

US\$ 525 Billion

In aggregate dollar terms because of climate change's effects (2000-2019).

51%
⬇️

The most at risk countries would be twice as wealthy today were it not for climate change

Economic losses exceeded half (51%) of growth since 2000 for most at-risk countries.

1%
⬇️

Economic losses cut GDP growth by

1% per year

On average.

25%
⬇️

Year to year reduction in GDP per capita growth attributable to climate change is

25%

Of the economic growth of the V20 economies.

↑
⬆️

Temperatures are far beyond optimal for economic growth

Most V20 economies instead incur economic losses - additional warming greatly increases risks of losses in the future.

1.5°C
⬆️

Warming is set to be 1.5°C in the next decade

Even if mitigation efforts continue to be made, losses will incur. Adaptation would need to accelerate at a phenomenal rate to offset growing losses.

⬆️

Economic losses are higher in the last 2 decades than previous decades

The V20 economies are not adapting fast enough.

⬆️

International resources supplied to V20 economies can diminish the negative macro-economic effect

Underscoring the importance of funding for loss and damage

1. INTRODUCTION

The IPCC Sixth Assessment Report (AR6) published in 2021 and 2022 are more alarms of the dire consequences of climate change. Above all, the IPCC clearly states that climate change's appropriate tense is not just the future, but the present, as its consequences are increasingly being felt by people and societies.

This note takes stock of the extent to which already observable changes in precipitation and temperature patterns have affected V20's economic performance over the last 40 years. In the context of on-going

negotiations on loss and damage at the UNFCCC, three key aspects are explored: the speed of temperature warming across V20 economies, the distance between their optimum temperature and current temperature observed and the economic losses attributable to observed climate change, almost all caused by anthropogenic influences.

2. TEMPERATURE INCREASING – BEYOND ECONOMIC OPTIMUM

2.1 INCREASING TEMPERATURE

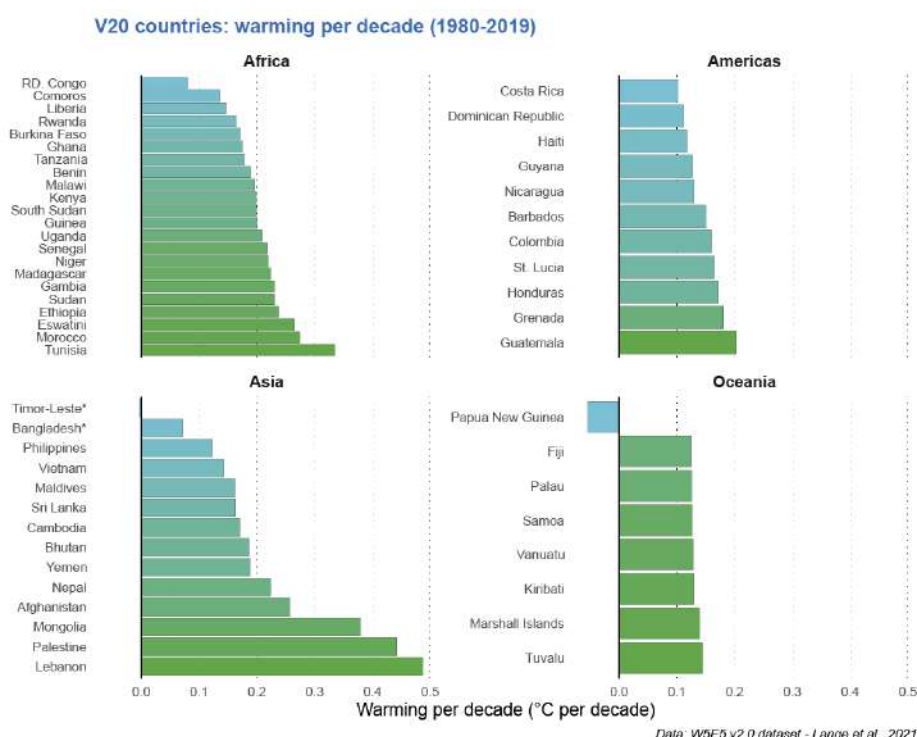


Figure 1: Population-weighted warming per decade in the 1980-2019 period in V20 economies. The statistical significance of the trend is estimated using the Mann-Kendall test, an asterisk indicates that the trend is not statistically significant. Daily temperature from W5E5 v2.0 dataset (Lange et al., 2021) and population density data from CIESIN (CIESIN - Columbia University, 2016).

The increased concentration of GHG in the atmosphere already influences today's climate. According to NOAA, over the last four decades (1981–2022), temperature has increased globally at a rate of about 0.18°C per decade - an accelerated warming, twice as fast as for the period starting in 1880 (0.08°C per decade). Beyond this global average, countries warm at a different pace depending on their characteristics, such as their location or their topography. Here, the analysis specifically focuses on warming over the last 40 years in V20 economies.

In recent decades, Lebanon was the V20 economy exposed to the fastest warming of its population-weighted temperature with 0.49°C per decade. On the other side,

Bangladesh experienced the slower pace of warming at a rate of 0.07°C per decade. On the African continent, Morocco and Tunisia faced the fastest warming at 0.27 and 0.33°C . In the Pacific region, warming was rather homogeneous with the exception of Papua New Guinea.

The speed at which a country's mean temperature increases is an important indicator for the growing risk faced by V20 economies to be exposed to temperature under which their economies perform sub-optimally, and for the current and future level of investments required to adapt to these risks of negative consequences.

2.2 OPTIMUM TEMPERATURE

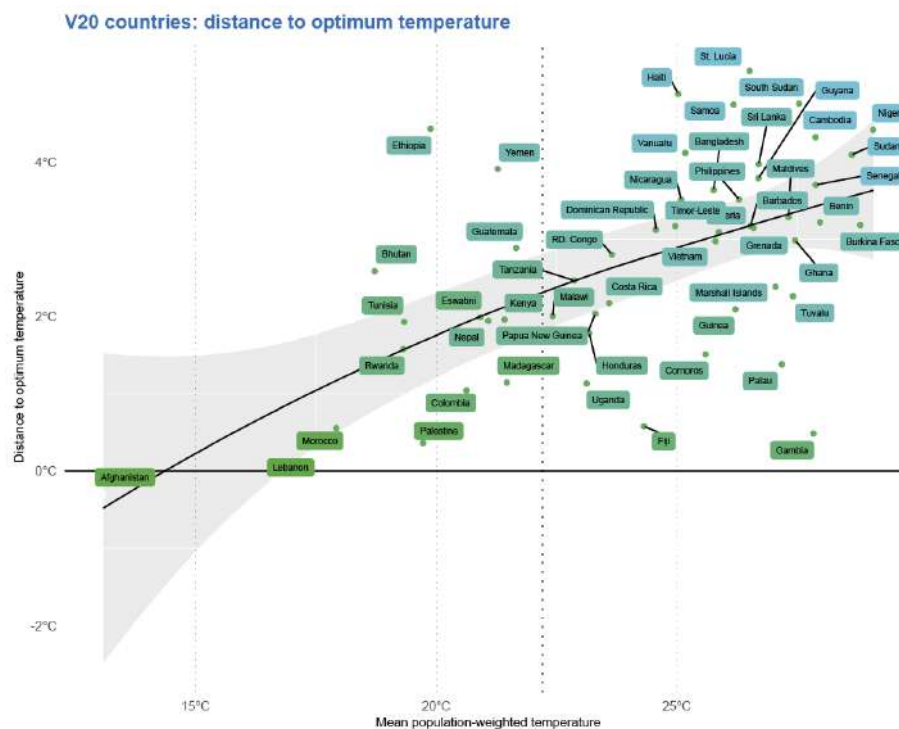


Figure 2: Observed population-weighted median annual temperature from 2000 to 2019 and distance to median country-specific optimum temperature. A distance to optimum temperature above zero indicates that country's temperature has already exceeded optimum. The vertical dotted line is the optimum temperature resulting from the panel regression of all low- and middle-income countries.

In 2015, in a Nature paper, Burke et al. introduced the idea that economies could have an optimum temperature level, below and beyond which economic performance reduces. This optimum temperature is the translation, even potentially the macroeconomic aggregation, of biophysical processes, with for example:

- a given crop finds its optimal temperature within a range of a few degrees.
- different types of construction materials and architecture can accommodate different minimum and maximum temperatures until heating or air conditioning is required to maintain decent livable or workable conditions.
- thermal power plants that require cooling for energy production function optimally within a certain range of temperature (the Carnot cycle).

Therefore, many micro-economic factors (crops, building, etc.) with their different optimal ranges could converge towards defining a country-level optimum temperature.

The above figure (Figure 2) provides the distance between the median temperature observed in the 2000-2019 period and the median optimum temperature¹ for all V20 economies.

First, the figure clearly shows that the higher the median temperature is, the longer the distance to optimum. A long distance to optimum indicates that the country's

economy operates outside its optimal range leading to sub-optimal economic performance.

Second, V20 economies can be qualitatively clustered in three groups based on their distance to optimum and their current temperature level:

- Countries with annual temperature around 15°C, lower than the rest of the V20 economies, with optimum temperature below or very close to optimum. This is for example the case of Afghanistan and Lebanon.
- Countries with annual temperature close to 20°C, and a distance to optimum below 2°C, with as an illustration: Nepal, Tunisia or Fiji.
- Countries with annual temperature close and above 25°C that face further distances to optimum – a sign of potentially chronic sub-optimal performance, with for example Niger or South Sudan.

With a progressively warming climate, the distance to optimum will further increase. Because of the macro- and micro-economic nature of the optimum temperature, adapting to climate change, which entails moving up the optimum temperature to fill the gap and follow increasing temperature will require most likely unprecedented levels of investments in all infrastructures, such as buildings, energy production as well as practices in the agricultural sector if not cultural adaptation when temperature levels become unsuitable for some crops or animal breeds.

3. ECONOMIC LOSSES FROM CLIMATE CHANGE & VARIABILITY

3.1 ATTRIBUTABLE ECONOMIC LOSSES FROM CLIMATE CHANGE

This analysis provides the first ever estimate of the economic losses attributable to anthropogenic climate change only. Hitherto, studies on the impacts of climate change on economic development relied on a more or less recent past reference period against which economic losses were estimated. This study leverages on a recently published dataset (Mengel et al., 2021) that provides a counter-factual

climate for observations over the last 40 years. In other words, the counter-factual climate for observations provides precipitation and temperature data without the influence of anthropogenic climate change. Building on the macro-econometric model described in the annex, the analysis then compares the effect on GDP per capita growth in real climate observations (Lange et al., 2021) against the effect in the counter-factual climate estimates (Mengel et al., 2021).

In this study, we focus on the worst losses accounting for climate change, as exemplified by the 10% worst outcomes for GDP driven by climate extremes over the past decades.

As of 2022, it is estimated that global mean

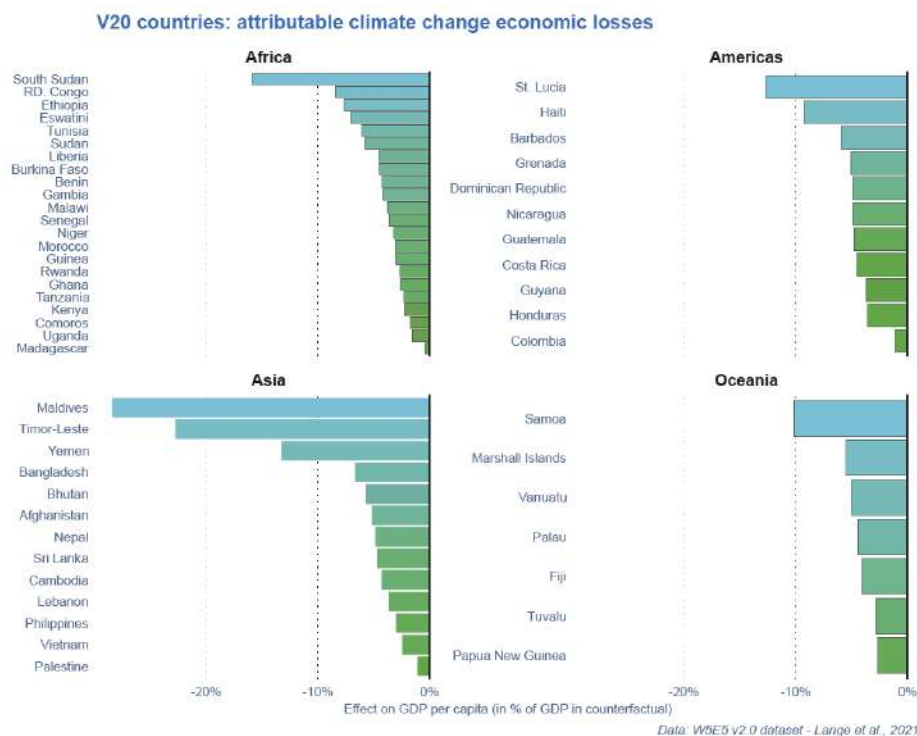


Figure 3: Attributable economic losses from climate change in V20 economies (in the 10th percentile of the distribution). The analysis does not cover V20 economies for which insufficient data is available for a statistically robust analysis. Authors' calculations with daily temperature and precipitation from W5E5 v2.0 dataset (Lange et al., 2021) and counterfactual climate based on W5E5 2.0 dataset (Mengel et al. 2021).

temperature has increased about 1°C compared to pre-industrial level (V. Masson-Delmotte et al., 2021). While this warming is limited in comparison to the projected warming by the end of the 21st century in scenarios estimating the future effects on greenhouse-gas emissions of current climate policies and actions (2.7°C, Climate Action Tracker²) or mitigation pledges and targets (2.1°C, Climate Action Tracker³), it already yields negative consequences across the majority of the V20 economies.

Across all continents where V20 economies are located, the reduction in GDP per capita attributable to climate change ranges from -4.6% in Asia to -3.1% in Africa (for the 10th percentile of the distribution). For individual countries on the same continent, reductions attributable to climate change can vary significantly. For example in Oceania, impacts range from -10.2% to -1.1%. Similar heterogeneity is apparent across African country members of the V20, with reductions ranging from -15.9% in South Sudan to -0.4% in Madagascar.

In aggregate dollar terms, over the 2000-2019 period, V20 countries have lost about US\$ 525 billion because of climate change already affecting temperature and precipitation patterns. This loss amounts to 22 per cent of 2019 total GDP (in current \$US). Due to their population size and level of economic development, three countries concentrate 44 percent of the total losses: Bangladesh (19% of total), the Philippines (16.6%) and Vietnam (8.4%). The unweighted mean loss over the period for V20 countries is estimated at about 20 percent of GDP for the 2000-2019 period – as a group V20 countries would have been

20 percent wealthier if it had not been for climate change.

For this group of countries, that gathers both low- and middle-income countries, both weighted and unweighted economic losses are in line with earlier estimates of the economic losses induced by climate variability and change. In Baarsch et al. (2020), it is estimated that African countries have experienced losses ranging from -15 to -10 percent of their GDP per capita growth – which depending on the growth baseline amounts to 5 to 15 percent reduction in GDP over a 30-year period starting in 1986. Two more studies estimated losses to about 8 percent in GDP for a period from 1970 to 2010 (World Bank & United Nations, 2011) or a decrease by an estimated 15 percent in GDP per capita – induced by precipitation only over the 1960-2000 period (Barrios et al., 2010). Considering that the present analysis focuses on a later period (2000-2019), characterized by higher global mean temperature induced by climate change, the losses proposed in the report appear consistent with earlier findings.

As observed temperatures across the majority of V20 economies have already exceeded country-specific optimum temperatures, further warming will lead to a faster and faster acceleration of the increase in losses at the macroeconomic level. Countries that were close to their optimum, but still below, will start exceeding it and could potentially face more losses as a result of temperature stress on their economies. While not explicitly accounted for, the projected increase in the frequency of heat extremes (V. Masson-Delmotte et al., 2021), as recently observed in South Asia

(e.g. India in May 2022), could also accelerate the reduction in GDP per capita growth over time.

3.2 ECONOMIC LOSSES INDUCED BY CHANGES IN PRECIPITATION PATTERNS

Looking specifically at the effects of changes in hydrometeorology, all V20 economies face reductions in their GDP per capita, due to a lack of adaptation to current precipitation patterns. These reductions range from about -15 percent in Timor-Leste, Yemen or South Sudan to -5 percent and less in Lebanon or Guyana. The majority of the V20 economies have hydrometeorological losses ranging from -5 to -10 percent in their GDP per capita

growth potential.

While some countries (segments in green in Figure 4) experienced improved precipitation conditions over the last 20 years in comparison to the 1980-1999 period, their economies remain negatively affected by droughts and heavy rainfall. As the consequences of climate change progressively affect precipitation patterns, more countries in V20 are exposed to an increased economic burden on the ability to develop. Some countries such as Bangladesh experienced a 30% worsening in the reduction from -7% to almost -10%, induced by changes in precipitation patterns over the last 20 years.

The losses estimated in all V20 economies are compelling and shed a light on the

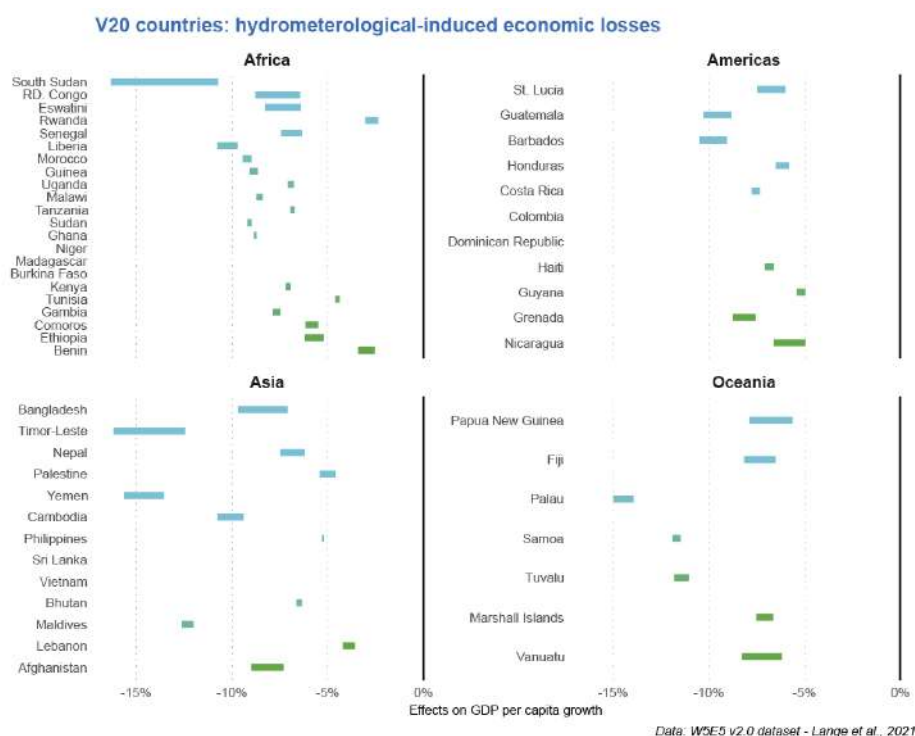


Figure 4: Change in hydrometeorological-induced economic consequences between 1980-1999 and 2000-2019 in V20 economies. Segments in red indicate an increase in losses while green indicates a reduction. The analysis does not cover V20 economies for which insufficient data is available for a statistically robust analysis and V20 high-income countries. Authors' calculations with daily temperature and precipitation from W5E5 v2.0 dataset (Lange et al., 2021).

urgent level of investments required to adapt to climate change. From an economic perspective, the scale of the losses, estimated as a reduction in GDP per capita growth, is an indication of the benefits that could be yielded by Governments and communities with adaptation measures that would contribute to reduce these losses. As such this preliminary estimate of losses associated with the lack of adaptation to current precipitation patterns is an essential element to facilitate investment decisions in resilience at the national and international level.

3.3 LOSS AND DAMAGE FROM AN HISTORICAL COUNTRY PERSPECTIVE

While the negotiations on the Subsidiary Bodies' will focus - among other issues - on loss and damage and the implementation of the Warsaw mechanism, it is essential to highlight the importance of such mechanisms at the country-level, to support communities facing the negative consequences of climate related-disasters. In this section the analysis focuses on two droughts that occurred in two countries: Tuvalu in 2011 and South Sudan in 2009.

In Tuvalu, a drought unfolded on the islands in 2011 with most of the population being negatively affected by its consequences. According to the model used for this analysis the country was expected to lose almost US\$ 800 of GDP per capita (median GDP per capita for 2010 to median in 2011) from about US\$ 3,300 to US\$ 2,500. In the case of South Sudan, the drought led to an

estimated US\$ 500 decrease in GDP per capita from 2008 to 2009. The estimated GDP per capita from the model used for this analysis is in line with the GDP per capita that actually occurred, as estimated by the World Bank for the same years, for example for South Sudan dropping from about US\$1,800 to US\$1,300 - with limited rebound for the following year 2010.

While both countries were affected by droughts, Tuvalu even displaying potentially higher estimated losses than South Sudan, their GDP per capita as per the World Bank followed an opposite trajectory. Indeed, in Tuvalu, measured GDP per capita indicated that the country's economy actually grew between 2010 and 2011 despite the negative impact of the drought. While a significant decrease was observed in South Sudan, comparable to what could be expected from the drought (as confirmed by the model results). One of the explanations of the unexpected growth that occurred in 2011 for Tuvalu could actually be related to international aid flows that increased substantially from US\$ 13.9 million or 27% of GNI in 2010 to US\$37.3 million or 64% of GNI in 2011. In Tuvalu, this increase in ODA contributed to totally offset the negative consequences of the drought at the macroeconomic level - with the country even experiencing a double-digit growth for the year.

This sudden inflow of external resources that contributed to reduce the negative consequences of the climate-related disasters (at least at macroeconomic level) could be compared to an international mechanism on loss and damage to accompany countries while the disaster

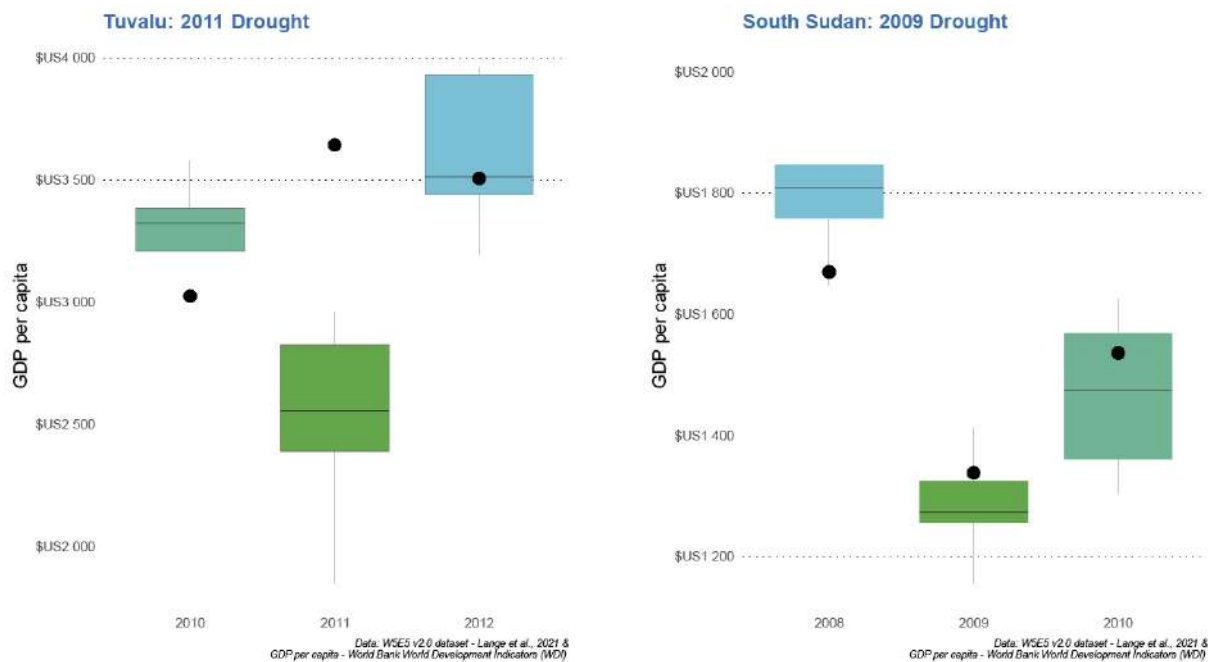


Figure 5: Comparison between observed GDP per capita (black dots, source: World Bank data) and estimated (boxplots) for this analysis of droughts in Tuvalu in 2011 and in South Sudan in 2009. Data: authors' calculations.

unfolds and in its aftermath. The 2011 Tuvalu drought is an illustration of the benefits that could be associated with a mechanism, at the national, regional or international level that would support countries in the aftermath of climate-related disasters - in line with the on-going negotiations on loss and damage at the UNFCCC, although it must be noted that no mechanism will be able to compensate for lives lost.

4. CONCLUSIONS

The results presented in this study are preliminary and will be consolidated in the course of 2022 in the lead up to the publication of the Climate Vulnerability Monitor. Some elements related to econometrics and calibration can and will

be further improved until publication of the final results, while additional datasets will be explored. The main expected improvements relate to the level of uncertainties associated with the calibration and therefore definition of optimum temperature and associated losses. However, as presented in the final section of the report, the model in its current state displays a satisfactory ability to reproduce historical data and patterns observed across V20 economies.

Even though the results are preliminary, these are strong reminders of: (1) the urgency of acting on climate change with stringent mitigation measures in line with the objective of the Paris Agreement of keeping global mean temperature increase below 1.5°C, (2) the need to scale up the amount invested in adaptation globally while ensuring the effectiveness of the projects and programmes being

implemented and finally (3) the necessity to put in place a mechanism to address loss and damage from the national to the international levels.

5. METHODS AND MODEL COMPARISONS

5.1 METHODS AND DATA

With the emergence of a warming signal across all geographies of the V20, this study takes stock of the extent to which the countries already experience economic losses in response to climate change. To differentiate the between losses associated with natural climate variability and climate change, this analysis compares economic losses which occurred over the last 40 years against a counterfactual climate data set (Mengel et al., 2021), in which anthropogenic climate change would not have occurred and would therefore have had no consequences on precipitation and temperature patterns. By comparing losses in these two settings (actual observations vs. counterfactual), the analysis allows for a first-of-its-kind attribution of economic losses to anthropogenic climate change.

The methodology implemented for this study is a combination of an approach published in 2015 (Burke et al., 2015) in which mean annual temperature drives a multi-country regression combined with a more recent approach (Baarsch et al., 2020) in which precipitation levels are normalized to facilitate comparison of heterogeneous

precipitation levels across countries. In addition, still building on this last paper, the results of the regression analysis are calibrated at the country level to ensure that the vulnerabilities estimated econometrically is the most accurate representation of a country's reality.

The assessment is based on an econometric analysis that relates GDP per capita to temperature and precipitation. As such, the analysis is economy-wide and the results provided account for direct and indirect climate-related and socioeconomic drivers that affect GDP per capita. The temperature-based analysis employs temperature change over time as a proxy to understand how climate change through its wide-ranging impacts can affect an economy, and not only the direct interactions of temperature changes alone. In addition, in estimating economic losses associated with climate change over time, the method only accounts for the effects for GDP growth. As the economy would have grown at a higher pace without climate change, it is possible that the methodology used underestimates the losses, since a larger economy would have allowed for more interactions between economic actors, more innovation, facilitated price discoveries among suppliers, etc. which would most likely have resulted in higher growth levels.

It is worth noting that as a consequence of using mean annual temperature in the econometric analysis, an optimum temperature is estimated. An optimum temperature is a level at which both warming and cooling leads to negative economic consequences. Usually, the

shape of the curve is steeper for temperatures above the optimum, indicating that economic losses of warming are more serious than those of cooling. In some cases, particularly for countries with lower temperature than the rest of the studied countries, the optimum temperature can be lower than the current temperature observed in the country. In any cases, this should imply that the country's economic performance will - in any case - benefit from an increase in temperature:

1. it is also necessary to consider the effect of hydrometeorological extremes (see section below) that can yield significant damages and economic losses.
2. to account for the temperature heterogeneity within a country, e.g. even if most population is located along the coastline another part resides in warmer and / or drier inland areas. This is typically the case for Morocco and other Mediterranean countries.
3. to also ponder the fact that some economic sectors - especially agriculture - could already be detrimentally affected by economic losses from current temperature levels while the rest of the sectors could face losses at higher levels of warming.

The study first explores the extent to which V20 have reached their optimum temperature, then estimates economic losses attributable to climate change over the last 20 years and finally appraises the

extent to which precipitation alone has affected economic losses over the same period.

In a risk perspective, to also account for the uncertainties associated with the Bayesian calibration, the analysis on the attribution of economic losses to climate change focuses on the 10th percentile of the distribution. While this amplifies the amount of losses experienced by V20 economies, it also highlights the on-going negative impacts and risks associated with a rapidly changing climate. Interestingly, even for countries with optimum temperatures close or below their current temperature level, losses are also observed in the 10th percentile of the distribution indicating that such level of optimum does not immunize countries against negative impacts of climate change. Also, the use of the 10th percentile is also relevant owing to the fact that for some countries, temperature level below the optimum (hence a positive effect on growth) can wholly or partly offset the negative consequences of hydrometeorological extremes.

Essential to note is that this study is not comprehensive. While the whole economy is covered, using GDP as a central metric, not all anthropogenic climatic effects are included. Most crucially for V20 economies, temperature and precipitation may not fully reflect all effects of tropical cyclones, sea-level rise and storm surges. This is an even more important caveat when estimating future loss and damage from anthropogenic climate change, where sea-level rise contributes to exceeding thresholds to land loss and/or fresh water management, loss of biodiversity, etc.

5.2 MODEL COMPARISON

In this part we put our focus on two additional countries in which one or several climate-related disaster(s) occurred within a given year. Two countries and year were selected: Colombia for the 2009 flooding events and the Philippines for the 2009 tropical cyclone season. The figures (5 to 7) illustrate the ability of the model used for this analysis to capture the GDP per capita dynamic of different climate-related disasters on a country's GDP per capita. In 2009, the Philippines experienced more than twenty typhoons and tropical storms, causing more than US\$ 903 million in damages. The two most destructive typhoons were Parma and Ketsana which

caused 934 deaths, 736 severe injuries and 84 missing people and a total of US\$ 790 million in damages. Domestic resources for food and shelter amounted to US\$ 7 million and international donations reached over US\$ 38 million. In 2010, Colombia experienced its heaviest and deadliest rainfalls of the last 40 years impacting 95% of the country. 301 people were killed and 2.2 million were displaced. Thousands of hectares of crops and damages to infrastructure amounted to asset losses of US\$ 5.2 billion. In order to resource the recovery, Colombia lowered the threshold of taxability for high earners to raise US\$ 1.6 billion in tax revenue. Colombia also utilized a US\$ 150 million credit line from the World Bank.

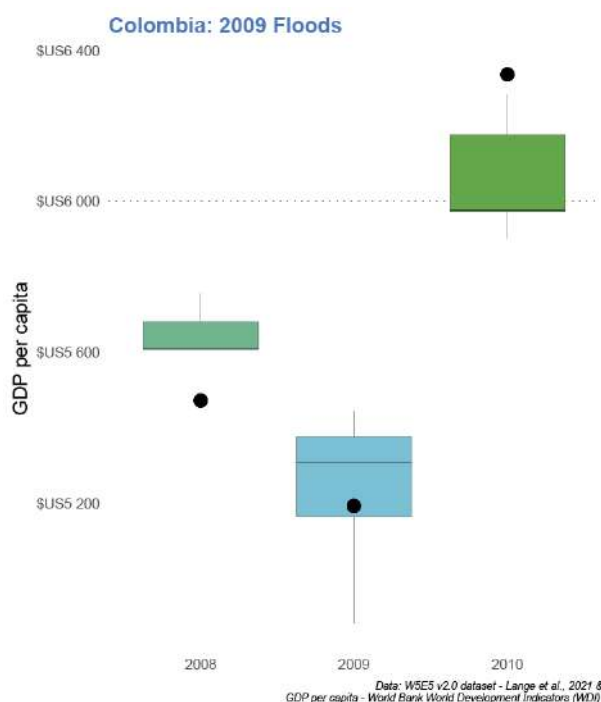


Figure 6: Snapshot comparison between observed GDP per capita (black dots, source: World Bank data) and estimated (boxplots) for this analysis of floods in Colombia. Data: authors' calculations.

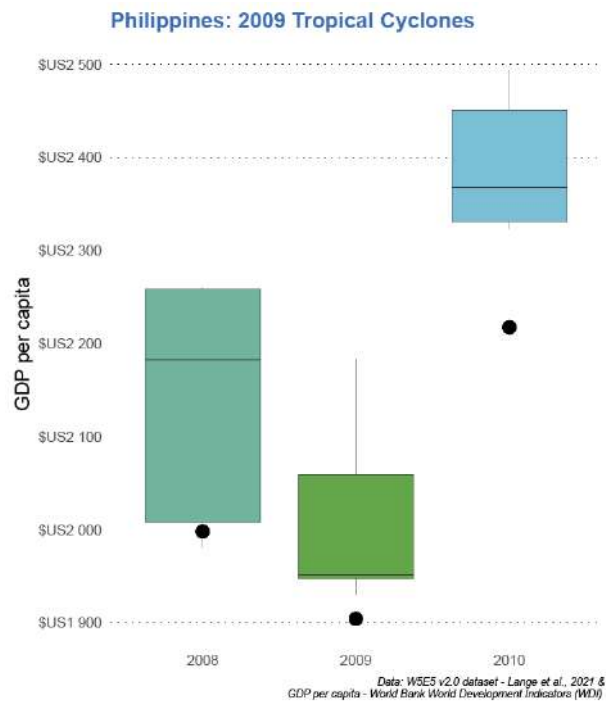


Figure 7: Snapshot comparison between observed GDP per capita (black dots, source: World Bank data) and estimated (boxplots) for this analysis of tropical cyclones in the Philippines. Data: authors' calculations.

6. ACKNOWLEDGEMENTS

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ABOUT THE V20

Formed in 2015, the V20 Group of Finance Ministers is a dedicated cooperation initiative of economies systematically vulnerable to climate change. V20 Group members are also states of the Climate Vulnerable Forum (CVF). The Group's incoming chair is the Republic of Ghana. The V20 membership stands at 55 economies including Afghanistan, Bangladesh, Barbados, Benin, Bhutan, Burkina Faso, Cambodia, Colombia, Comoros, Costa Rica, Democratic Republic of the Congo, Dominican Republic, Ethiopia, Eswatini, Fiji, The Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Kenya, Kiribati, Nicaragua, Lebanon, Liberia, Madagascar, Malawi, Maldives, Marshall Islands, Mongolia,

Morocco, Nepal, Niger, Palau, Palestine, Papua New Guinea, Philippines, Rwanda, Saint Lucia, Samoa, Senegal, South Sudan, Sri Lanka, Sudan, Tanzania, Timor-Leste, Tunisia, Tuvalu, Uganda, Vanuatu, Viet Nam and Yemen.

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7. ENDNOTES

- ¹ The optimum temperature is estimated using the Bayesian calibrated results of an econometric model (see further details in section on Methods).
- ² <https://climateactiontracker.org/global/temperatures/>
- ³ <https://climateactiontracker.org/global/temperatures/>

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CLIMATE VULNERABLE ECONOMIES LOSS REPORT

Economic losses attributable to climate change in V20
economies over the last two decades (2000-2019)



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Annex 609

Statement by James Cleverly, Secretary of State for Foreign, Commonwealth and Development Affairs, on the British Indian Ocean Territory/Chagos Archipelago,
UIN HCWS354, 3 November 2022

Written questions, answers and statements

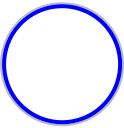
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British Indian Ocean Territory / Chagos Archipelago

Statement made on 3 November 2022

Statement UIN HCWS354

Statement made by



James Cleverly

Secretary of State for Foreign, Commonwealth and Development Affairs

Conservative

Braintree

Commons

>

Statement

Following the meeting between the then Prime Minister, my Rt Hon Friend the Member for South West Norfolk, and Prime Minister Jugnauth at the UN General Assembly, the UK and Mauritius have decided to begin negotiations on the exercise of sovereignty over the British Indian Ocean Territory (BIOT)/Chagos Archipelago.

Through negotiations, taking into account relevant legal proceedings, it is our intention to secure an agreement on the basis of international law to resolve all outstanding issues, including those relating to the former inhabitants of the Chagos Archipelago. This will allow the UK and Mauritius, as close Commonwealth partners, to work even more closely together to tackle the regional and global security challenges that face us all. We will seek to strengthen significantly our cooperation on Indian Ocean security, maritime security and marine protection, the conservation of the environment, climate change, respect for human rights, and to tackle illegal migration, illegal fishing, drugs and arms trafficking, as well as bilateral cooperation on a range of other issues. We will work to do this in cooperation with key allies and partners in the region.

The UK and Mauritius have reiterated that any agreement between our two countries will ensure the continued effective operation of the joint UK/US military base on Diego Garcia, which plays a vital role in regional and global security. We recognise the US’s and India’s interests and will keep them informed of progress.

The UK and Mauritius have agreed to engage in constructive negotiations, with a view to arriving at an agreement by early next year.

Statement from

Foreign, Commonwealth and Development Office



Linked statements

This statement has also been made in the House of Lords

Foreign, Commonwealth and Development Office

British Indian Ocean Territory / Chagos Archipelago



[Lord Goldsmith of Richmond Park](#)

Minister of State

Conservative, Life peer

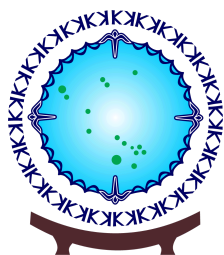
Statement made 3 November 2022

HLWS347

Lords

Annex 610

Oral statement by the Cook Islands at the twenty-seventh session of the Conference of the Parties (COP 27) to the United Nations Framework Convention on Climate Change (UNFCCC), 8 November 2022

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NATIONAL STATEMENT BY PRIME MINISTER HON. MARK BROWN AT THE UNFCCC COP 27

8th November 2022



Mr President, Fellow Leaders, Distinguished Ladies and Gentlemen – Kia Orana to you all.

“Me kare e enua, kare o te tangata turanga vaevae”

The literal translation of these words is “when land is lost, man has nothing to stand on.” But in the language of my people, this means so much more.

My country is 2 million sq. km in area, but it is 99.99% ocean. That is why the small islands that provide my people a place to stand on are so very important to us. I thank you President Sisi for bringing us all together in your beautiful city of Sharm El Sheikh to discuss exactly what we stand to lose.

Just one year ago, world leaders came together in Glasgow and agreed the Glasgow Climate Pact. We committed to keeping the 1.5-degree goal alive and agreed a course of action to do so. We emphasised that we needed to urgently raise ambition, and that without concerted and rapid mitigation efforts, this goal would slip further and further from our reach.

I therefore share the grave concerns voiced by other small island states at the findings in the recent NDC Synthesis report, which indicates that our current NDCs have put us on a 2.7 degree pathway by 2100. This is based on the pledges that countries have made – this is the extent of our current global climate ambition. It is clearly not enough.

Even more concerning is the recent IPCC report, with the science telling us that if global emissions do not peak before 2025, if our current 2.7 degree NDC pledges are not implemented, and that if we stay the course of the current emissions trajectory, we will face a world with a median global warming of 3.2 degrees by 2100. The change is happening already, it is incremental, it is insidious, and it is now becoming inevitable.

Mr President – for small island states such as the Cook Islands, a small country made up of 15 islands in the South Pacific Ocean, we cannot underscore how grave the threat we are currently facing is.

At the national level, we are walking the talk:

We have converted 13 of our islands to solar energy and have set a target of 2025 for the remaining two.

We have committed to net zero emissions by 2040.

We have over a number of years implemented projects that focus on the link between well-being and climate change, we are building resilient infrastructure, and have for years implored for enhanced direct financing to communities for adaptation. The release of adaptation funding for our countries needs to be accelerated.

Next year, the Cook Islands will host the Pacific’s premier political forum, bringing together the Leaders of the Pacific nations to discuss regional priorities. Climate change will be at the forefront of these discussions, and we will advocate for tangible, fit-for-Pacific solutions to address the climate threat our Blue Pacific Continent faces. Each of us in the Pacific, individually and collectively, will do what we can to safeguard our futures.

As a collective, our Pacific region contributes less than 0.03 percent to global emissions. Our emissions are the equivalent of a burning matchstick in a forest fire. While we are doing our bit on mitigation efforts and reducing our emissions, there is only so much impact our national and regional actions can have. It is up to the G20 countries responsible for 80% of global emissions that we are beholden to for our survival.

Our survival is being held to ransom at the cost of profit and an unwillingness to act, despite the ability to do so.

So let me respond in particular to calls for a moratorium on our oceans.

Do not tell me to ignore the potential for promoting the green transition by not exploring these much needed minerals for the green revolution that sit in my ocean. Some of us have taken years to gain a better understanding of how our ocean will save us and help save the planet.

Many of our Pacific cultures have an imbedded culture of conservation and environmental protection far better than these countries calling for a moratorium who continue to emit carbon at thousands of times the rate we do.

The very countries that destroy our planet through decades of profit driven development and who to this day continue their profit driven actions and neglect their climate change responsibilities, are making demands for a moratorium on our ocean. Or worse by providing financing mechanisms that increase our debt or even swap our debt for our precious forests and oceans.

It is patronizing and it implies that we are too dumb or too greedy to know what we are doing in our ocean. We know what we are doing to protect ourselves and to protect our ocean. Because so far, we are not getting what we need from those who are damaging our planet.

Mr President – we need to urgently scale up global mitigation ambition and agree a work programme that veers us from our current emissions trajectory, and which keeps the spirit of the Paris Agreement alive.

We urgently need developed countries to deliver on their climate finance commitments, and for that finance to respond to the loss and damage that is already happening in climate vulnerable countries, and that will continue to occur in the face of the projected 3.2 degree temperature rise.

We must agree to a plan for operationalising the Santiago Network for Loss and Damage, to allow SIDS and other countries particularly vulnerable to the effects of climate change to begin receiving the assistance required to address loss and damage.

COP 27 is the COP of implementation. The time for action is now. We cannot afford to be complacent while homes are being destroyed, people are being displaced, and lives are being lost.

The effects of climate change are already eroding the land that my people stand on. We must act now, before it is too late.

I thank you.

Tags

[COP27](#), [Egypt](#), [Prime Minister Mark Brown](#), [UNFCCC](#)

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Annex 611

Official records of the 64th meeting of the General Assembly held on 29 March 2023,
A/77/PV.64



General Assembly

Seventy-seventh session

64th plenary meeting
Wednesday, 29 March 2023, 10 a.m.
New York

Official Records

President: Mr. Kőrösi (Hungary)

The meeting was called to order at 10 a.m.

In the absence of the President, Mr. Dang (Viet Nam), Vice-President, took the Chair.

Agenda item 70 (continued)

Report of the International Court of Justice

Draft resolution (A/77/L.58)

The Acting President: I would like to acknowledge the presence at this meeting of the Secretary-General of the United Nations and His Excellency Mr. Alatoi Ishmael Kalsakau, Prime Minister of the Republic of Vanuatu.

I now give the floor to the Secretary-General of the United Nations, His Excellency Mr. António Guterres.

The Secretary-General: Earlier this month, the Intergovernmental Panel on Climate Change (IPCC) confirmed that humans are responsible for virtually all global heating over the past 200 years. The IPCC report showed that limiting the overall temperature rise to 1.5°C is achievable, but time is running out. The window for averting the worst effects of the climate crisis is closing rapidly. This is the critical decade for climate action. It must happen on our watch. And those who have contributed the least to the climate crisis are already facing both climate hell and high sea levels. For some countries, climate threats are a death sentence. Indeed, it is the initiative of those countries, joined by so many others — along with the efforts of young

people all over the world — that is bringing us together. Together, we are making history.

The General Assembly is meeting today to consider draft resolution A/77/L.58, which requests that the International Court of Justice render an advisory opinion on the obligations of States in respect of climate change. Advisory opinions of the Court — the principal judicial organ of the United Nations — have tremendous importance and can have a long-standing impact on the international legal order. Advisory opinions can provide much-needed clarification on existing international legal obligations. If issued, such an opinion would assist the General Assembly, the United Nations and Member States in taking the bolder and stronger climate action that our world so desperately needs. It would also guide the actions and conduct of States in their relations with one another, as well as towards their own citizens, and that is essential. Climate justice is both a moral imperative and a prerequisite for effective global climate action. The climate crisis can be overcome only through cooperation between peoples, cultures, nations and generations. But festering climate injustice feeds divisions and threatens to paralyse global climate action.

For those on the front lines, already paying the price for global warming that they did nothing to cause, climate justice is both a vital recognition and a tool. It is a recognition that all people on our planet are of equal worth, and it is a tool for building resilience to the spiralling effects of climate change. I have presented an acceleration agenda aimed at closing the emissions gap and massively fast-tracking climate action by every country and every sector in every time frame. We have

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never been better equipped to solve the climate crisis. Let us work together to get the job done. It has been said that there is nothing more powerful than an idea whose time has come, and now is the time for climate action and climate justice.

The Acting President: I thank the Secretary-General for his statement.

I now invite His Excellency Mr. Alatoi Ishmael Kalsakau, Prime Minister of the Republic of Vanuatu, to introduce draft resolution A/77/L.58.

Mr. Kalsakau (Vanuatu): I am making this statement on behalf of a core group of States that includes Angola, Antigua and Barbuda, Bangladesh, Costa Rica, Germany, Liechtenstein, the Federated States of Micronesia, Morocco, Mozambique, New Zealand, Portugal, Romania, Samoa, Sierra Leone, Singapore, Uganda, Viet Nam and my own country, Vanuatu.

We are pleased to introduce draft resolution A/77/L.58, entitled “Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change”. We would also like to express our gratitude and deep appreciation to the membership for its active engagement and support as we navigated the drafting process.

Climate change is the defining existential challenge of our times. The science is settled. In its *Sixth Assessment Report*, the Intergovernmental Panel on Climate Change (IPCC) states, in the clearest terms, that anthropogenic emissions of greenhouse gases are unequivocally the dominant cause of the global warming that has been observed since the mid-twentieth century. The evidence demonstrates that climate impacts and risks are already advanced, including in low-lying coastal cities and settlements and small islands. At the same time, the IPCC underlines that in all sectors, options exist to at least halve emissions by 2030, thereby paving the way for a long-term and sustainable limiting of global warming to 1.5°C, as well as reducing the impact of climate change.

The global impact of climate change has been devastating to many countries and populations around the world, and the prospect that in the absence of bold and immediate action the situation may become much worse is profoundly unsettling. Earlier this month, my own country, Vanuatu, was struck by two consecutive category 4 cyclones within days of each other. Mere weeks ago, Cyclone Freddy battered Mozambique,

making landfall twice in the space of a month and breaking records for the duration and strength of tropical storms in the southern hemisphere.

Moreover, there have been continued droughts in the Horn of Africa and the Sahel, centenary floods in Bangladesh, Pakistan and Viet Nam, and, last summer, extreme heat in Canada and Southern Europe, not to mention the floods in Germany — all causing death and destruction. The countries hit the hardest are often those contributing least to global greenhouse-gas emissions. Sadly, catastrophic and compounding impacts of climate change like this are growing in number around the world.

Faced with challenges of such magnitude, it is the firm belief of the core group that we must use all the tools at our disposal to address the climate crisis and its threats to human, national and international security. The United Nations Framework Convention on Climate Change and the Paris Agreement have provided an invaluable platform for cooperation and action on climate change. But as we all know, the level of ambition under current nationally determined contributions is still far from what is needed to achieve its target of limiting the increase of global average temperature to 1.5°C above pre-industrial levels.

It is in this context that the core group is leading the initiative to seek an advisory opinion from the International Court of Justice to clarify the rights and obligations of States under international law in relation to the adverse effects of climate change, especially with respect to small island developing States and other developing countries particularly vulnerable to the adverse effects of climate change, and importantly to achieve climate justice. As the principal judicial organ of the United Nations, and a judicial body considered as a World Court, the International Court of Justice is uniquely positioned to make this contribution. An advisory opinion is a constructive and unconflictual route to pursue such an initiative. It is not legally binding; however, it does carry enormous legal weight and moral authority. We believe the clarity it will bring can greatly benefit our efforts to address the climate crisis and further bolster global and multilateral cooperation and State conduct in addressing climate change.

The core group is in many ways representative of the United Nations membership: cross-regional, with wide-ranging interests, perspectives and levels

of development. A task of this core group was to conceptualize and balance the text of the draft resolution and legal questions to go to the International Court of Justice. The core group deliberated in great depth and at great length on the draft resolution before sharing it with United Nations membership in November 2022. This then led to the core group presenting the draft text, which was followed by three rounds of informal consultations and several informal expert consultations and engagements with the broader membership. These consultations were used to gather comments and feedback to put into what is now the final text we have introduced in the General Assembly. The intense and engaged negotiations within the core group and with the broader United Nations membership were an indication of both the importance of this initiative and the collective desire to work towards addressing the climate crisis. This is not a silver bullet, but it can make an important contribution to climate action, including by catalysing much higher ambition under the Paris Agreement.

The legal questions contained in the draft resolution represent a careful balance achieved after extensive consultations while safeguarding its integrity. At the heart of the question is a desire to further strengthen our collective efforts to deal with climate change, give climate justice the importance it deserves and bring the entirety of international law to bear on this unprecedented challenge. We believe the International Court of Justice can do this.

This initiative builds upon prior endeavours, and in our efforts, we stand on the shoulders of those who first began this conversation. I also wish to highlight the important role of the young law students in the Pacific who inspired this initiative and who brought it to the attention of the Vanuatu Government in 2019. This initiative has spurred a movement around the world, and we celebrate the efforts of these groups in broadening awareness and mobilizing support for the initiative.

The world is at a crossroads, and we, as representatives of the international community, have an obligation to take urgent action to protect the planet. We believe in and are committed to the values of multilateralism, values that bring us together at the United Nations to work for a better future. This initiative is an embodiment of those values.

We seek the support of all Member States present today to adopt this draft resolution. It and the advisory

opinion it seeks will have a powerful and positive impact on how we address climate change and ultimately protect present and future generations. Together, we will send a loud and clear message, not only around the world, but far into the future, that on this very day, the peoples of the United Nations, acting through their Governments, decided to set aside differences and work together to tackle the defining challenge of our times, climate change.

Finally, we take this opportunity to thank the 121 countries that have joined in co-sponsoring draft resolution A/77/L.58, and we humbly encourage all others to do so as well. I pray that we may be bound in one accord.

The Acting President: We shall now proceed to consider the draft resolution A/77/L.58. There are no statements in explanation of position before action is taken on the draft resolution.

The Assembly will now take a decision on draft resolution A/77/L.58, entitled "Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change".

I now give the floor to the representative of the Secretariat.

Mr. Abelian (Department for General Assembly and Conference Management): The present statement pertaining to the relevant operative paragraph of the current draft resolution, A/77/L.58, is made in the context of rule 153 of the rules and procedures of the General Assembly. The present statement has also been distributed to Member States.

The request contained in the operative paragraph would constitute an addition to the workload of the International Court of Justice and entail additional resource requirements in the amount of \$236,000 net of staff assessments in 2024. Detailed cost estimates and their underlying assumptions for the requirements are provided in the annex to this statement as distributed. Accordingly, should the General Assembly adopt draft resolution A/77/L.58, additional resource requirements estimated in the amount of \$236,000 for 2024, \$57,200 for 2025 and \$3,000 for 2026 would be included in the respective proposed programme budgets under section 7, International Court of Justice, for the consideration of the General Assembly at its seventy-eighth, seventy-ninth and eightieth sessions, respectively.

The statement I have just read out will also be available in the United Nations Journal under the e-statements link for today's meeting.

The Acting President: I thank the representative of the Secretariat.

For the Assembly's information, the draft resolution has closed for e-sponsorship.

I now give the floor to the representative of the Secretariat.

Mr. Abelian (Department for General Assembly and Conference Management): I should like to announce that, since the submission of the draft resolution, and in addition to those delegations listed in document A/77/L.58, the following countries have also become sponsors of the draft resolution: Afghanistan, Armenia, the Plurinational State of Bolivia, Bosnia and Herzegovina, Botswana, Burundi, Dominica, Ecuador, El Salvador, Equatorial Guinea, Ghana, Haiti, Indonesia, Israel, Japan, Kyrgyzstan, Malaysia, Mali, Mongolia, Niger, Peru, the Philippines, Poland, the Republic of Korea, San Marino, Tajikistan, Thailand, Timor-Leste and Uruguay.

The Acting President: May I take it that the General Assembly decides to adopt draft resolution A/77/L.58?

Draft resolution A/77/L.58 was adopted (resolution 77/276).

The Acting President: Before giving the floor for explanations of position after adoption, may I remind delegations that explanations are limited to 10 minutes and should be made by representatives from their seats.

Mr. Alwasil (Saudi Arabia) (*spoke in Arabic*): I deliver this statement on behalf of the delegations of Iraq and of my own country, the Kingdom of Saudi Arabia.

The delegations of our two countries decided to join the consensus on resolution 77/276, entitled "Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change". Our decision reflects our acknowledgement of and firm support for the inherent right of States to request the International Court of Justice to set forth an advisory opinion on important and controversial issues.

We recognize the importance of uniting efforts to implement the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris

Agreement. We attach great importance to climate issues and are making every effort to limit the causes of climate change. We are committed to implementing international standards and conventions. We also acknowledge that requesting an advisory opinion from the International Court of Justice on the obligations of States in respect of climate change reflects the desire of the requesting countries for Member States to live up to their international legal obligations. We participated in the negotiations on the resolution and provided our comments and observations.

Accordingly, we stress the need for having multifaceted solutions to address the problem of climate change and climate issues in accordance with the international climate conventions, foremost among which are the UNFCCC and the Paris Agreement. The principle of common but differentiated responsibilities and capabilities among States requires that we take into consideration the special circumstances of the least developed countries when implementing the aforementioned international principles and conventions, as noted in the seventh preambular paragraph of resolution.

We must work together to support States in addressing the negative effects of climate-change policies. We must also take into account historical responsibility for emissions which should not adversely affect the efforts of States to achieve development.

Mr. Al-edwan (Jordan): We would like to thank the Permanent Missions of Vanuatu and Morocco for facilitating the informal meetings, and we wish also to extend our thanks to the core group for their tireless efforts.

Jordan considers resolution 77/276 to be of utmost importance and timely, as it touches upon a significant topic that our world and future generations face. This unprecedented challenge will tremendously affect the small island developing States in the near future, in addition to having negative impacts on other States, including landlocked States. In this regard, Jordan reiterates its unwavering support for the resolution.

We wish to underscore the urgency of tackling the issue of climate change globally. We therefore urge the International Court of Justice to consider, in accordance with the relative operative paragraph of the resolution, the legal consequences for States' acts and omissions that have caused significant harm to the climate system, with respect to all States, in particular

small island developing States, regardless of any State's degree of development or geographic circumstances.

The Acting President: We have heard the last speaker in explanation of position after adoption.

We will now hear statements after the adoption of the resolution.

Mr. Momen (Bangladesh): I wish to begin by congratulating the President of the General Assembly as well as all the members of the Assembly on this historic day. We have just adopted, without a vote, a resolution requesting an advisory opinion from the International Court of Justice on the obligations of States in respect of climate change (resolution 77/276). This is an important milestone in our decades-long struggle for climate justice, and Bangladesh, having been part of this historic process, is both proud and grateful. We thank all members of the General Assembly for supporting the resolution as a strong signal of unity in our common fight against global warming.

I wish to take this opportunity to express our most sincere appreciation to the Government of Vanuatu for its extraordinary leadership. I also thank all the fellow members of the core group for their commitment, passion and tenacity in drafting the resolution just adopted.

Climate change is an existential challenge for Bangladesh. We are a low-lying coastal State with great exposure to the hazards caused by climate change, sea-level rise and associated disasters. Apart from the increased frequency and intensity of floods, cyclones, droughts and loss of biodiversity, climate change is severely affecting our food, energy, water, health and economic security. The economic loss for Bangladesh is grossly disproportionate to its contribution to the problem of climate change. Climate-change-related weather events account for the loss of at least 2 per cent of our gross domestic product every year, whereas our carbon footprint is negligible, contributing less than 0.6 tons per capita emissions as compared to a global average of 4.5 tons. Climate change has also been directly or indirectly forcing millions of people to leave their homes and livelihoods, leading to widespread displacement and migration within and across borders.

Successive reports of the Intergovernmental Panel on Climate Change have alerted us to the risks that climate change poses to humanity. The latest synthesis report published this month, says,

“risks ... and projected adverse impacts and related losses and damages [from climate change] escalate with every increment of global warming”.

Moreover, it adds,

“[c]limate change impacts and risks are becoming increasingly complex and more difficult to manage... [M]ultiple climatic and non-climatic risks will interact, resulting in compounding overall risk and risks cascading across sections and regions”.

Those statements are based on the estimate of reaching the 1.5°C target in the near term in considered scenarios and projections. A greater rise in the global temperature is also being predicted, something the Secretary-General has called a road to climate hell. If we look at the current scenario of extreme weather events and losses and damages caused by climate change, it is easy to conclude that the implications of continued temperature rise will be deadly for the planet and its inhabitants. For Bangladesh, with its limited capacity as a least developed country to adapt, the questions of equity, justice and a just transition are not mere words, but questions of our very existence.

Bangladesh has demonstrated a strong commitment to fighting the impacts of climate change within its own means. That has led us to take many transformative measures to tackle the perilous impacts of climate change consistent with implementing the Paris Agreement and achieving the Sustainable Development Goals. During our term as Chair of the Climate Vulnerable Forum, we launched the Mujib Climate Prosperity Plan, which is aimed at putting Bangladesh on a sustainable trajectory from vulnerability to resilience and climate prosperity.

However, given the enormity of this global challenge, the efforts of Bangladesh, with a very low carbon footprint, can only be considered a drop in the ocean. We are deeply concerned that the global response to climate change is nowhere close to what is needed for the survival of humanity. There are serious gaps between projected emissions from implemented policies and those from nationally determined contributions, and financing flows fall far short of the levels needed to meet climate goals across all sectors and regions, particularly in adaptation efforts in developing countries.

We are still far removed from a convergence of views on the issue of climate displacements. There is also a huge trust deficit when it comes to climate financing.

There is no agreed definition of climate financing. Furthermore, despite greater needs in financing just transition and adaptation, we see growing expenditure in military budgets and armaments and in funding wars and conflicts, or even bailing out companies during financial crises.

Against this backdrop, resolution 77/276 presents a defining moment for us. We hope the resolution and the resultant advisory opinion will provide a better understanding of the legal implications of climate change under international law and the rights of present and future generations to be protected from climate change.

As a member of the core group, we will remain engaged throughout the process, including by making submissions to the Court, as and when invited to do so. We call upon all States Members of the United Nations to do the same.

Before I conclude allow me to repeat what Prime Minister Sheikh Hasina said in the General Assembly,

“The impact of climate change is one of the biggest threats to humankind. In the past, we have seen a vicious cycle of promises being made and broken. We must now change this course.”
(A/77/PV.11., p. 12)

We believe resolution 77/276, adopted today, is an important step in that direction.

Mr. Lippwe (Federated States of Micronesia): I make this statement on behalf of the 12 Pacific small island developing States represented in New York. I align our statement with the one to be delivered by the representative of Tonga on behalf of the Pacific Islands Forum.

On this momentous occasion, we warmly welcome one of our leaders from our region, His Excellency Mr. Alatoi Ishmael Kalsakau, Prime Minister of the Republic of Vanuatu, and his delegation from the capital to our meeting today. We thank the Prime Minister for his introductory remarks on this very important resolution just adopted (resolution 77/276) and for Vanuatu's excellent leadership and commendable work. We also want to thank the members of the core group for their leadership and commitment to the principles contained in the resolution.

We wish to draw particular attention to the following major elements of the resolution: climate justice and

equity, including in the context of legal consequences for loss and damage caused by climate change; the centrality of scientific consensus for climate action; the need for legal clarity on obligations to address climate change arising from multiple multilateral instruments and intergovernmental processes in addition to the United Nations Framework Convention on Climate Change; the key interlinkages under international law between climate change and the enjoyment of human rights by individuals and peoples, including by indigenous peoples and local communities; the status of small island developing States under international law as specially affected States in the context of their particular vulnerabilities to the adverse effects of climate change; and the need for urgent and ambitious action to counter the existential threat of climate change, including by limiting global average temperature increase to no more than 1.5°C above pre-industrial levels. These elements are important not only for the Pacific but for the world, and we urge the International Court of Justice to address these elements, among others, in the eventual advisory opinion.

Resolution 77/276 was born out of a call from Pacific youth to our leaders to use international law as an instrument to further highlight the pressing need to undertake ambitious action on climate change. I would also like to recognize the members of World Youth for Climate Justice for their passion and for bringing out this important issue in their own countries.

This call has been accepted and echoed at all levels in the Pacific, from our youth to our civil society organizations to our leaders, and we are heartened that it reverberates today in this great Assembly Hall through the sponsorship of more than 130 countries. We thank all delegations that co-sponsored the resolution and those that did not co-sponsor but supported it.

We commend the approach by Vanuatu and the core group in conducting open, consultative and transparent consultations that have enabled the wide participation of the entire United Nations membership. The remarkable attendance at all the informal consultations demonstrates not only the importance of this critical issue to the wider United Nations membership but also our increased willingness to work together as a global family.

Today's adoption comes at a pivotal moment, at a time when multilateralism is regaining momentum. In November 2021 and 2022, we saw the successful

adoption by consensus of major cover decisions for the twenty-sixth and twenty-seventh sessions of the Conference of the Parties to the United Nations Framework Convention on Climate Change, in Glasgow and Sharm El-Sheikh, respectively, which create a path forward on climate ambitions. In December 2022, parties to the Convention on Biological Diversity agreed to the Kunming-Montreal Global Biodiversity Framework to halt and reverse biodiversity loss. And earlier this month, States agreed on the text for an international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction.

The adoption of this resolution is yet another marker that multilateralism is still one of our most effective tools to solve the problems we have together. The fact that the resolution was adopted with such wide support sends a powerful, unambiguous signal to the Court of the strong interest and commitment of Member States to protect the climate system and give confidence to the Court to provide a comprehensive and robust answer to the international community.

In conclusion, we want to remind all Member States that today's adoption, while important, is just the beginning of the process, and we call on all States and stakeholders at this meeting today to begin preparing for the next phase of submissions. We encourage good faith submissions done in concert and constructively that will support and assist the Court in answering the question that we, the General Assembly, have asked of it. Climate change affects us all, and we should ensure all our voices and concerns are heard by the Court to enable a robust and effective advisory opinion on climate change.

This is a significant moment for all of us as we steer the world from climate devastation. We call on all States to turn their attention to the essential actions that we need to address the existential threat of climate crisis and to create a world where our children and future generations can live and thrive in a clean, safe and healthy environment.

Mr. Skoog (European Union): It is an honour to address the General Assembly on a historic day such as this one, and I will do it on behalf of the European Union (EU) and its 27 member States.

The candidate countries North Macedonia, Montenegro, Serbia, Albania, Ukraine, the Republic

of Moldova and Bosnia and Herzegovina; the potential candidate country Georgia; as well as Monaco and San Marino align themselves with this statement.

We would like to extend our appreciation to Vanuatu for its leadership and the core group as a whole for the initiative and the extensive consultation process that led to resolution 77/276 being adopted today. The EU and its member States are united in their support for the strict observance and the development of international law. We are also committed to promoting the individual and collective action of States to prevent and respond to the threat of climate change and to show solidarity with those particularly vulnerable to the impacts of climate change.

The EU is at the forefront of climate action. Strong and ambitious mitigation action is the best tool to prevent increased adaptation needs and to reduce loss and damage associated with the adverse effects of climate change. In the light of the findings of the Intergovernmental Panel on Climate Change (IPCC), we have been taking determined and decisive action to reduce our net greenhouse-gas emissions by at least 55 per cent by 2030 as compared to 1990 levels to reach and achieve climate neutrality by 2050 at the latest and to aim for negative emissions thereafter.

At the same time, we are the world's biggest contributors of climate financing to developing countries. The EU Strategy on Adaptation to Climate Change contains a strong international dimension, in particular in terms of increasing support, including financial, for international climate resilience and preparedness and strengthening global engagement and exchanges. Lastly, the EU is and will remain committed to scaling up assistance to developing countries that are particularly vulnerable to the adverse effects of climate change in responding to loss and damage. For those reasons, we supported the decision to establish new funding arrangements responding to loss and damage at the twenty-seventh Conference of the Parties to the United Nations Framework Convention on Climate Change and look forward to contributing to the work of the Transitional Committee.

Although legally non-binding, the requested advisory opinion of the International Court of Justice has the potential to make a significant contribution to the clarification of the current state of international law. The EU and its member States appreciate the choice of engaging the Court through advisory proceedings,

whose non-contentious nature avoids disputes and encourages the continued pursuit by the international community of further ambitious and effective action, including through international negotiations, to tackle climate change.

We recall in that regard the pre-eminent role of the Paris Agreement on Climate Change and the regular meetings of the Conference of the Parties in reflecting the most recent and dynamic expression of States' understandings of their commitments and their nature, as well as their responsibilities in respect of climate change. That includes the unique legal character of each provision of the Paris Agreement.

States' obligations and State practice under treaties other than the Paris Agreement may contribute, within their respective scope of application, to achieving the Paris Agreement goals. They can further shed light on how those goals are to be achieved.

With the aforementioned in mind, the EU and its member States welcome the explanation provided by Vanuatu that its intention in leading this effort has been that the Court "will not place additional obligations or responsibilities" on States, but rather "provide legal motivation for all nations, including emerging and high-emitting developing countries, to build greater ambition into their Paris Agreement nationally determined contributions and to take meaningful action to curb emissions and protect human rights".

Thus, in line with the aim and the content of the resolution, we expect the advisory opinion to, first, answer the legal questions on the basis of the current state of international law and with regard to all States; secondly, identify and, to the extent possible, clarify the obligations of States under applicable international law and the legal consequences for all States for the breach of those obligations. The resolution does not prejudice whether and when breaches have occurred, are occurring or will occur in the future but rather focuses on the consequences thereof for all States.

The EU and its member States have an unwavering commitment to limiting global warming to 1.5°C, which is the best way to mitigate climate change and its effects, as the recent IPCC synthesis reminded us. In the pursuit of those objectives, we are determined to deepen international cooperation. While the present statement of the EU and its member States is naturally without prejudice to the content of our possible submissions before the International Court of Justice and other

courts and tribunals, our eventual involvement in the advisory proceedings initiated by the resolution will be guided by that commitment and by our understanding of the applicable law, as well as the aim and content of the resolution.

The EU and its member States are pleased to have constructively engaged in the process that led to the adoption of this resolution by consensus and commend Vanuatu once again for its leadership. All EU countries have co-sponsored the resolution. As an intergovernmental organization that is also a party to the Paris Agreement and other international agreements referred to directly and indirectly in the request, we look forward to contributing to the proceedings before the International Court of Justice.

We see today's resolution as another step adding urgency and unity to our collective action.

Ms. Vea (Tonga): I have the honour to deliver these remarks on behalf of the members of the Pacific Islands Forum with presence at the United Nations, namely, Australia, the Federated States of Micronesia, Fiji, Kiribati, Nauru, New Zealand, Palau, Papua New Guinea, the Republic of Marshall Islands, Samoa, Solomon Islands, Tuvalu, Vanuatu, and my own country, Tonga. We also acknowledge the guidance and support of the Cook Islands as Chair of the Pacific Islands Forum (PIF).

In their 2022 communiqué, our leaders called on the General Assembly to adopt a resolution requesting the International Court of Justice to provide an advisory opinion on the obligations of States under international law to protect the rights of present and future generations against the adverse impacts of climate change and looked forward to close collaboration on the development of the specific question to ensure maximum impact in terms of limiting emissions to 1.5°C, including the obligations of all major emitters past, present and future.

I would like to express the gratitude of our PIF member States to fellow Forum member Vanuatu for its commendable and wide-ranging efforts which have brought us from that call to the historic adoption today. We recognize the significant engagement and coordination efforts undertaken by all members of the International Court of Justice core group in support of Vanuatu, including the Federated States of Micronesia, New Zealand and Samoa, members of our Forum family and fellow stewards of our Blue Pacific continent.

We welcome the sovereign recognition by the more than 120 sponsors of resolution 77/276 of this important endeavour and the utmost urgency of this cause. We are optimistic that today will join other landmark junctures of global leadership in accelerating deeper global cooperation on climate change, which our leaders have confirmed as the single greatest existential threat facing the Blue Pacific.

Our leaders have accordingly declared a climate emergency in our region, underscoring the urgency of limiting global warming to 1.5°C through rapid, deep and sustained reductions in greenhouse-gas emissions. Our resolve has been further demonstrated in the PIF Declaration on Preserving Maritime Zones in the Face of Climate Change-related Sea-level Rise and the currently under way regional Conference on Preserving Statehood and Protecting Persons which explores legal options and institutional responses to the impacts of sea-level rise in the context of international law.

While we sit in the General Assembly today, our Forum is conscious of the many individuals and groups who have brought us to this point. We recognize that much of this work began with our Pacific youth, whose energy and vision we continue to draw inspiration from, but who also stand to lose the most if we let the goal of 1.5°C slip from our collective grasp.

We further recognize our civil society representatives who have worked at the margins of society to mainstream the voices of women and girls, minorities, the disabled, the disadvantaged and otherwise too often unheard into our regional perspective, further legitimizing our Blue Pacific narrative.

We pay tribute to the voices of indigenous peoples in the Pacific region and to those in local and coastal Pacific communities who face the reality of a warming climate every day. We pay further tribute to our scientists and the holders of traditional knowledge in the Pacific region who continue to work tirelessly to harness our collective wisdom in the fight against climate change.

Much work remains to be done, and the Pacific calls on the global community to embrace the spirit of solidarity demonstrated by today's adoption. Our Forum family remains committed to fully implementing the Paris Agreement on Climate Change, including our collective aim to achieve carbon neutrality in the Pacific by 2050. And we invite development partners to commit to providing more support to Forum Island

countries in reaching that goal in line with our 2050 Strategy for the Blue Pacific Continent endorsed by PIF leaders.

In conclusion, our members look ahead to the twenty-eighth conference of the parties to the United Nations Framework Convention on Climate Change in Dubai with great anticipation and to working alongside our United Arab Emirates hosts and the global community to continue this most important work of combating the climate crisis for the sake of present and future generations.

Ms. Chan Valverde (Costa Rica) (*spoke in Spanish*): Costa Rica is proud of the historic adoption of resolution 77/276. It is a milestone for multilateralism in the fight against climate change and a giant step forward for international law, climate justice and human rights.

Today we are concluding a process that was inspired by the youth of the world. It is the largest generation of young people in the history of humankind, and they are calling for a radical change of course, for a better future and, especially, a viable future for their generation and future generations.

Costa Rica had the honour of endorsing the initiative of the Republic of Vanuatu from its very early stages, convinced of the legal and moral value of the draft resolution. It was also honoured to have contributed to the core group that led the intergovernmental negotiations to ensure a resolution that was balanced and inclusive, and above all ambitious and visionary, in line with the magnitude of the challenge posed by the triple planetary crisis of climate change — pollution of the land, sea and air — and the accelerated loss of biodiversity.

My country thanks the Assembly for its support and welcomes the co-sponsorship of a strong majority of Member States, reflecting a clear resolve to intensify climate and environmental action, as well as to obtain clear, comprehensive and fundamental answers based on international law and human rights to the crucial questions raised in the draft resolution.

I come from a small country whose first line of defence is international law, and which, like other small and large States, has placed in it its hopes and political will for the determination of its obligations and rights, the peaceful settlement of disputes, human rights and peace.

Costa Rica today welcomes the decision made by consensus in the General Assembly to entrust the principal judicial organ of the United Nations with addressing the existential issue of climate change in an unprecedented context and with an unequivocal focus on human rights, redistributive justice and intergenerational equity.

Indeed, the fight against climate change concerns us all, but it also affects us differently. In its sixth and most recent assessment report, the Intergovernmental Panel on Climate Change gave us a final warning to reduce emissions by half by 2030 if we want to avoid what, in the words of the Secretary-General, would be a “death sentence”, especially for countries whose geographic circumstances and level of development are particularly vulnerable to climate change.

Actions taken and commitments made at the global level remain inadequate to achieve our climate goals and will lead to a catastrophic rise in temperature by at least 3°C by the end of the century. Paradoxically, it is the most vulnerable countries that are stepping up their adaptation and mitigation efforts, while the largest carbon emitters and those responsible for the climate disaster continue to perpetuate a status quo that, according to science, we know is unsustainable.

The climate crisis is undoubtedly the greatest threat to the enjoyment and realization of all human rights, be they health, food, water or adequate housing. However, even in the midst of this bleak context we can see signs of hope. Less than a year ago, the General Assembly recognized through resolution 76/300 the universal human right to a clean, healthy and sustainable environment, solidifying a long history of linking human rights and environmental law. The recognition of that fundamental right affirmed the transformative potential of adopting a human rights approach to climate change.

At the most recent Conference of the Parties to the United Nations Framework Convention on Climate Change (COP), COP 27, we reached a landmark agreement to establish and operationalize a loss and damage fund, which was a crucial step towards climate justice.

Just a few weeks ago, the United Nations agreed on another historic treaty on the biodiversity of the high seas, after nearly two decades of negotiations, which keeps alive the promise to protect 30 per cent of the world’s oceans by 2030. Those milestones

form a multilateralism that is more relevant than ever and more focused on addressing, from a human rights-based perspective, the greatest existential threat to humankind. It also reflects the international community’s willingness to act, with all the tools available, to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained, as stated in the Preamble of the Charter of the United Nations, and to promote social progress and better standards of life in larger freedom.

The adoption of the resolution therefore is a giant step forward when it comes to clarifying the legal obligations of States in addressing climate change. The request for an advisory opinion will provide the International Court of Justice with the opportunity to consider, through the lens of human rights, the experience of those people most affected by climate change, as well as the obligations of Governments to protect their rights. We hope that the understanding of those legal consequences will contribute to States ramping up their efforts, for example, to put an end to the dependence on fossil fuels that have caused and continue to exacerbate the climate emergency.

The gap between the current promises of the States and what is actually needed to address the warnings of science is a source of serious concern, especially for present and future generations in the communities and nations geographically most vulnerable to the effects of climate change.

The Court’s advisory opinion could help guide other courts that are ruling in cases of climate disputes on whether the commitments of nations under the Paris Agreement on Climate Change are sufficiently robust and what would be needed to strengthen human rights and international justice.

The questions posed to the Court in the resolution are complementary and comprehensive, with the promising potential to establish a common language that facilitates more ambitious commitments by States in future climate negotiations.

Finally, the advisory opinion of the International Court of Justice could clarify what happens in circumstances of the potential death of a State due to loss of territory as a result of climate change, as stated years ago by the Head of State of Palau, and address the obligations of the nations that are causing global

warming for those that are already bearing that burden, as well as for future generations.

For all those reasons, Costa Rica reaffirms its full support for the resolution and its hope in the next stages of the request for an advisory opinion to the International Court of Justice.

We affirm, together with the youth of the world, that we are all Vanuatu. And we urge the international community to redouble its commitment in words and actions with truly transformative climate action anchored in human rights for our brothers and sisters, our children and future generations.

Mr. Browne (Trinidad and Tobago): Trinidad and Tobago is pleased to have joined the overwhelming majority of Member States that have co-sponsored resolution 77/276 to seek an advisory opinion from the International Court of Justice on one of the most significant challenges of our time — climate change.

I would like to express my delegation's deepest appreciation to the core group for meaningfully engaging the membership in bringing forward this request to the General Assembly for consideration, and I commend Vanuatu for its outstanding leadership throughout this process.

At the outset, I wish to underscore that this initiative has been fully endorsed at the highest levels of the Government of Trinidad and Tobago from its inception. We firmly believe that the adverse impacts of climate change not only threaten lives and livelihoods, but also directly impede our aspirations to achieve sustainable development.

The most recent report of the Intergovernmental Panel on Climate Change, released just last week, issued a dire warning to world. We are running out of time. Global emissions have continued to increase, extreme weather events and climate extremes have worsened. Accordingly, in the absence of deep, rapid and sustained reductions in carbon emissions, global warming is likely to exceed 1.5°C, with catastrophic consequences, especially for vulnerable communities. We remain extremely concerned that the climate financing commitments made by developed countries have not materialized.

We must act now. The urgent need to scale up climate action and support, through financing, capacity-building and technology transfer, to address the adverse effects of climate change, as well as to

minimize the associated loss and damage, particularly in small island developing States, such as Trinidad and Tobago, cannot be overstated, as the very existence and viability of small island States are being threatened.

While the Court's opinion is non-binding, Trinidad and Tobago is of the view that such an represents a major step in gaining greater understanding and clarity on how international law can promote climate justice, especially for those on the front line of this existential threat, many of whom are already disproportionately shouldering this heavy burden.

For many small island nations, who have contributed little or nothing to climate change and sea level rise but who are the most affected, today's landmark adoption by the General Assembly restores faith in the multilateral process. It is our hope that the Court's opinion can lend weight to strengthening international law and the obligations of Member States to ensure the protection of the global climate system for present and future generations.

On that note, and in conclusion, I would like to reassure Member States of Trinidad and Tobago's commitment, as a responsible member of the international community, in ensuring that our obligations under the Paris Agreement on Climate Change remains unwavering.

Ms. Ershadi (Islamic Republic of Iran): At the outset, I would like to begin by thanking the core group, especially Vanuatu, for submitting resolution 77/276 on the request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change.

Extreme climate change can undermine the sustainable development of all countries. The international community has been striving to address that challenge through the actions and measures contained in various agreements, particularly the United Nations Framework Convention on Climate Change (UNFCCC), as the cornerstone of actions and commitments, and the Paris Agreement under the UNFCCC, in pursuit of the objective of the Convention and its principles, in particular the principle of common but differentiated responsibilities and respective capabilities.

Like other developing countries, climate change has taken its toll on Iran. A serious decline in rainfall and an increase in temperature and the incidence of dust storms and sandstorms, thereby exposing Iran to the adverse

impacts of climate change and affecting the country. The sustainable use of scarce water resources, together with protecting wetlands and combating dust storms and sandstorms with mainly transboundary origins, are among the relevant pressing national challenges.

Iran attaches great importance to combating severe climate change and its environmental ramifications. In that regard, our Supreme Leader endorsed the general policies for the protection of the environment, a forward-looking manifesto for sustainable development with significant impacts on the environment in Iran. It also serves as a strong sign of commitment to the protection of our planet Earth. It is obvious that humankind is facing a global crisis, which not only is all-consuming, complex and multifaceted but also has immense impacts on all aspects of human life, as well as global affairs. Such a cross-border and common challenge requires common solutions and joint efforts in order to be tackled. The nature, scope and consequences of the challenge have an immediate and direct linkage with the nature, scope and level of the commitments and responsibilities of States. The Paris Agreement has recognized the differentiation among developed and developing countries in terms of their specific needs and different levels of capacities to deal with the major areas, such as mitigation, adaptation, technology transfer and development, financing and capacity-building.

In addition, there are situations and circumstances that prevent States from fulfilling their environmental obligations in full or in part. Bearing that in mind, it is up to the Court to consider the well-established principle of common but differentiated responsibilities, as set out in principle 7 of the Rio Declaration on Environment and Development.

We regret that the final text does not incorporate my delegation's suggestion to explicitly request the Court to identify and consider situations and circumstances that also preclude States' required actions. It also unduly focuses on one assumed cause of climate change. We believe that it is necessary for the resolution to ask comprehensive questions and for the Court to consider the matter holistically and comprehensively. The current resolution does not bring such clarity and therefore lacks the much-needed balance.

On global issues such as climate change, we all are in the same boat. We are facing the same crises and are condemned to the same destiny, but all do not share the

same capacities and capabilities to counter that common challenge. Furthermore, all do not have similar roles and responsibilities regarding the challenge and its elusive future. We can forgive those who were historically involved in degrading our planet and its environment, but we cannot ignore their historical responsibilities and subsequent obligations to fulfil their commitments to redressing it.

It is unfortunate that those in the global North who have the historical responsibility for the emerging global challenge continue to disregard their international responsibilities through their actions or omissions, especially towards developing countries. In addition to the lack of development, technology, know-how and adequate financial resources, the imposition of unilateral coercive measures is the most crucial barrier, preventing targeted countries from meeting their environmental obligations. Unilateral coercive measures prevent us from accessing the relevant technologies, knowledge and financial resources. As an example, my country has been denied Global Environment Facility resources during its recent cycles simply through the pressures exerted on the implementing agencies to withhold from and refuse Iran's projects. There are clear and specific reasons as to why we proposed an amendment to the draft resolution during the negotiations and what we expect the International Court of Justice to take into consideration when reflecting on the obligations of States and their legal consequences.

Even in the absence of unilateral coercive measures, it is hard for developing countries to fulfil their environmental obligations if the means of implementation are not adequately available. While we have previously highlighted the nature of environmental crises and the challenges that the world continues to face, there is a dire need to be clear: we are not talking about the voluntary commitment of or contributions by the global North. It is the obligation of developed countries to provide the means of implementation, such as capacity-building, the transfer of technologies related to the mitigation of the environmental crisis to fulfil international obligations and the provision of support, as well as the mobilization of climate financing for developing countries.

In addition, all protections emanating from intellectual property rights for environmental inventions and technologies, which significantly contribute towards mitigating climate change and helping countries to meet their environmental obligations,

must be removed. We expect the International Court of Justice to address the obligatory nature of developed countries' international commitments when it comes to their environmental obligations towards the rest of the world. The Court is also expected to stand by the principle of the sovereignty of States, while also taking into consideration their national priorities in State policy-making.

While recognizing the mutually reinforcing link between the need for a healthy environment and the realization of economic, social and cultural rights, as well as the right to development, the Islamic Republic of Iran underlines that the linkage between human rights and the environment lacks not only a clear definition but also an understanding among States and does not appear at the core of international human rights treaties.

In conclusion, the Islamic Republic of Iran has announced its readiness to mitigate its greenhouse-gas emissions, as compared to the business-as-usual scenario, subject to the termination of all sanctions and access to financial resources and the required technologies. Accordingly, Iran welcomes cooperation and partnership in the implementation of our globally agreed agenda.

Mr. Wenaweser (Liechtenstein): The International Court of Justice, the principal judicial organ of the United Nations, is often called the world's court. In its important role, it is able to give advisory opinions when requested by the main organs of the United Nations authorized to do so, including the General Assembly. That provides the Assembly with a key tool to promote the rule of law and help to provide the international community with clearer legal understandings.

The importance of the International Court of Justice's advisory role is mirrored in the relevance of its engagement with pressing issues of global concern. Indeed, the historic resolution 77/276, which we adopted this morning, begins, in its first preambular paragraph, by:

“Recognizing that climate change is an unprecedented challenge of civilizational proportions and that the well-being of present and future generations of humankind depends on our immediate and urgent response to it”.

There is no issue of more pressing global concern than climate change, which is in many ways the defining crisis of our time. The report of the Intergovernmental

Panel on Climate Change issued last week is an urgent reminder of the limited window that we have to deal with the climate crisis. From weather extremes to sea level rise, all regions of the world are affected by the devastating consequences of climate change. In the words of Secretary-General Guterres, “we are in the fight of our lives”.

The 2030 Agenda for Sustainable Development provides us with a blueprint for the prosperity of our planet and recognizes the interlinkage between the fight against climate change and tackling poverty, hunger and other challenges. Recent meetings of the Conference of the Parties to the United Nations Framework Convention on Climate Change have fallen short of the promise to build on the Paris Agreement. It is clear that an exclusive focus on that path, as indispensable as it remains, will nevertheless not be enough. We therefore also need to pursue other avenues. In that respect, many stakeholders have already chosen different legal avenues at the national, regional and international levels in order to move forward in the fight against climate change.

Today we opened a new legal avenue together. That is why Liechtenstein was proud to be a member of Vanuatu's core group on this initiative. The group was responding to a global youth movement, in particular to act, and to act ambitiously. We commend the youth for calling on all of us to take up this issue, and we thank Vanuatu for its leadership in mobilizing support for this initiative. In many ways, the core group is a testament to effective multilateralism. It was small enough to be effective, but at the same time representative of the United Nations membership, and both cross-regional and inclusive in terms of national perspectives, as well as deliberative and thorough in its approach. The engaged negotiations within the core group and with the broader United Nations membership should be a model to follow for similar international initiatives. Last but not least, the initiative is further testament to the ability of small States to place crucially important initiatives before the General Assembly. We thank our friends from Vanuatu for that as well.

We are confident that the International Court of Justice will provide us with clarity regarding the complex questions of international law pertaining to climate change through its advisory function. The advisory opinion of the International Court of Justice will provide important authoritative guidance, including on questions at the intersection of climate change and

human rights. Climate change is indeed one of the greatest threats to the human rights of our generation, posing a serious risk to the fundamental rights to life, health, food and an adequate standard of living for individuals and communities across the world.

We are encouraged that the resolution, adopted by consensus today, prominently references the Universal Declaration of Human Rights and recalls the relevant resolutions of the Human Rights Council on climate change and human rights. It is in that vein that Liechtenstein strongly supports this resolution, which we hope will result in one of the landmark decisions in the long and rich history of the International Court of Justice.

Mr. Fepuleai (New Zealand): New Zealand associates itself with the statement made by the representative of Tonga on behalf of the Pacific Islands Forum members with a presence at the United Nations and the Cook Islands as Chair of the Pacific Islands Forum.

Aotearoa New Zealand is pleased to be a member of the core group supporting the International Court of Justice advisory opinion and commends Vanuatu for its leadership on this important initiative. The sheer number of co-sponsors reflects a growing international consensus that climate change requires us to develop global solutions.

The best available science is unequivocal. Human influence is warming the atmosphere, ocean and land. That is causing wide-ranging harmful impacts, from sea level rise to the increased frequency and intensity of extreme weather events.

New Zealanders are acutely aware of the devastating impacts that such events can have. Just last month, Cyclone Gabrielle caused widespread damage and displacement across our country, leading to New Zealand declaring a national state of emergency for just the third time in our history.

In our broader region, the Blue Pacific, climate change remains the single-greatest threat to livelihoods, security and well-being. Globally, more than 3 billion people live in contexts that are highly vulnerable to climate change.

Addressing those pressing challenges requires the collective ambition of all countries. It is critical that the international community employ all the tools at its disposal. Utilizing the advisory jurisdiction of

the International Court of Justice is one such tool. New Zealand considers that an advisory opinion can play a helpful role by bringing clarity and coherence to international climate law. In doing so, it can help to ensure ongoing compliance with international obligations, lift ambition and inspire action.

The request for an advisory opinion is not about the merits of climate science. The science is unequivocal. Rather, it is about States' obligations under international law.

The question before the General Assembly reflects months of careful deliberation by the membership of the core group, in consultation with a wide range of other States Members of the United Nations. That group includes a diverse range of interests and perspectives, but the common goal of finding global solutions to climate change.

The scope of the question is intended to empower the Court to consider the full slate of relevant international law, consistent with its mandate. The question is broad, but climate change is broad too. It impacts every aspect of the world in which we live.

In that context, Aotearoa New Zealand is pleased that resolution 77/276 was adopted by consensus. In this Hall today, we took an important step towards a safer, more prosperous and more sustainable future.

Mr. Fifield (Australia): What an important day this is. Climate change is an urgent global challenge and the single-greatest threat to the livelihoods, security and well-being of the Pacific. That is why it is so important that Pacific voices are at the centre of international climate discussions. We commend Vanuatu's climate leadership, including in driving this important initiative, in partnership with the core group, for an International Court of Justice advisory opinion on climate change.

We know that climate change is increasing the frequency and severity of disasters globally. Indeed, as we meet today, Vanuatu is recovering from the devastating impacts of two consecutive category 4 cyclones earlier this month. Our hearts are with Vanuatu. Together with the rest of the Pacific family, Australia will continue to support the Ni-Vanuatu people as they recover and strengthen their resilience to the increasing impacts of climate change.

Today's request for the International Court of Justice to clarify the obligations and the related legal consequences for all States under international law to

ensure the protection of the climate system can provide impetus for global efforts to accelerate climate action in order to keep the 1.5°C temperature goal within reach.

As Pacific Islands Forum leaders called for in their July 2022 communiqué, and as they reaffirmed in February, the International Court of Justice will provide an advisory opinion on the obligations of all States, including all major past, present and future emitters.

The broad co-sponsorship of resolution 77/276 affirms that there is a shared responsibility for all States to act on climate change and a shared commitment to do so. We strongly welcome the resolution's priority focus on small island developing States and least developed countries, given their particular vulnerability to the impacts of climate change.

We recognize that climate change has broad and cross-cutting impacts and requires action across a range of international agreements and initiatives. In that regard, we note that the United Nations Framework Convention on Climate Change remains the central, indispensable forum for international cooperation on, and commitments to, climate action.

We welcome the resolution's potential to make a real contribution to achieving the goals of the Paris Agreement on Climate Change and accelerating ambitious climate action. Australia is proud to co-sponsor this resolution. We urge all Member States to support a strong, forward-looking and collective outcome today and in the process ahead.

Mr. Gafoor (Singapore): Singapore aligns itself with the statement that was delivered by the Prime Minister of Vanuatu on behalf of the core group of countries. Singapore fully supported resolution 77/276, adopted today, and we welcome the fact that it was adopted by consensus. The resolution that we adopted requests the International Court of Justice to provide an advisory opinion on States' obligations in relation to climate change, especially with respect to small island developing States. We are honoured to have been part of the core group of countries that drafted the resolution and that led that initiative. We are happy that the resolution enjoyed overwhelming support in the General Assembly today. On this significant and historic occasion, I wish to make three points.

First, Singapore is confident that the resolution will result in an advisory opinion that will advance our collective, multilateral and rules-based efforts

to address climate change. Like other small island developing States, Singapore is disproportionately vulnerable to the impacts of climate change, and we have consistently advocated for solutions founded on international law to address that most existential of global challenges.

Secondly, the request for an advisory opinion on climate change is very timely. The recently released sixth assessment report of the Intergovernmental Panel on Climate Change makes it abundantly clear that there is an urgent need to accelerate action and raise the level of ambition. There is therefore no doubt that the planet is at a crossroads with respect to the climate crisis. The increasing frequency of extreme weather events around the world and rising sea levels are clear warnings that time is running out. We must therefore use all available tools to assist us in our efforts to address the climate crisis. At this stage, one of the most important potential tools that had not been utilized was the advisory jurisdiction of the International Court of Justice. The resolution adopted today is therefore significant because it seeks an advisory opinion from the International Court of Justice, which will help to clarify the state of international law and thereby provide impetus for further climate action.

The third point that I want to make today is that the request for an advisory opinion seeks to clarify the law, having regard to all relevant sources, including the United Nations Framework Convention on Climate Change (UNFCCC) and the Paris Agreement on Climate Change. The resulting advisory opinion will therefore be complementary to the existing climate regime. That is very important for Singapore, as we fully support the multilateral framework of cooperation on climate change under the UNFCCC. We are confident that the advisory opinion of the International Court of Justice will have a positive impact on the ongoing processes within the UNFCCC framework, including by accelerating mitigation action, climate financing and the political will for increased climate ambition to meet the goals of the Paris Agreement.

I wish to conclude by highlighting the fact that the adoption of the resolution today takes place shortly after the successful conclusion of the negotiations on an international legally binding instrument on the conservation and sustainable use of marine biological diversity beyond areas of national jurisdiction (BBNJ). The conclusion of the BBNJ treaty a few weeks ago and today's consensus adoption of a resolution seeking

an advisory opinion from the International Court of Justice are small steps of victory for multilateralism and a victory for the United Nations and the governance of the global commons. Our successes in recent weeks send a clear and positive signal that the United Nations can deliver results when nations work together for the common good. But we cannot take our successes and become complacent. We must continue to work together here in the General Assembly in order to achieve results for our people.

Mrs. Le (Viet Nam): Never before was a resolution requesting an advisory opinion of the International Court of Justice adopted by consensus (resolution 77/276). Never before was such a resolution co-sponsored by such a large number of States Members of the United Nations. Rarely did such a resolution command so much attention and support worldwide, from communities in Vanuatu to victims of the unprecedented floods in Pakistan. Such a phenomenon speaks volumes.

First, it speaks of the magnitude of the consequences of climate change — an existential threat that knows no borders. As the Prime Minister of Vanuatu just said, those impacts have been devastating to many countries and populations around the world. They threaten the well-being of future generations. The latest report of the Intergovernmental Panel on Climate Change, issued just a few days ago, made it clear that the impacts and risks of climate change have already increased, including in low-lying coastal cities and settlements and small islands.

Secondly, such a phenomenon speaks of the urgency for further bold actions. Under international frameworks, including the United Nations Framework Convention on Climate Change, the Kyoto Protocol and the Paris Agreement on Climate Change, countries have strived to strengthen the global response to the threat of climate change by mitigating greenhouse-gas emissions and increasing support and cooperation in national adaptation efforts. National and international commitments were made. Several States, including Viet Nam, issued net-zero commitments. However, the situation is getting worse.

Thirdly, it speaks of the belief and high expectation of the international community in the legal authority and moral weight of the International Court of Justice, the world court. This landmark resolution adopted by the General Assembly is fully in accordance with the Charter of the United Nations and the Statute of the

International Court of Justice. On that basis, the Court is requested to give an advisory opinion on an issue of long-term magnitude that touches the future of Member States and future generations. Such an opinion will be able to provide even greater momentum to global climate action. It will clarify our obligations under existing international law regarding climate change. In that regard, Viet Nam believes that this resolution could also help us to reaffirm the critical role of international law in addressing the most pressing global issues of our time.

Fourthly, the overwhelming support for this resolution stems, in large part, from the meticulous efforts and able leadership of Vanuatu since the very beginning. Viet Nam is proud to join other members of the core group in supporting Vanuatu's initiative. We are grateful for the active engagement of all Member States, especially those that co-sponsored the resolution. We are also deeply thankful to the Secretary-General for his leadership on climate action, and for his valuable support for this resolution in particular.

This resolution will be another clarion call for further actions and for support to all actors that strive tirelessly for our planet and future generations. Our consensus today sends a powerful message to the international community that we are committed to those ends.

However, this resolution is just the beginning of a longer process. It is now up to us to ensure that the International Court of Justice is able to carry out its work effectively and efficiently. Like other members of the core group, we call for, and look forward to, the active participation of Member States in the proceedings of the International Court of Justice so that the Court is presented with evidence and submissions to the greatest possible extent when it takes up this request in the months ahead.

Let me conclude by reiterating Viet Nam's consistent commitment to stronger climate action for the well-being of our world and future generations.

Mr. Turay (Sierra Leone): The delegation of Sierra Leone aligns itself with the statement delivered by Mr. Alatoi Ishmael Kalsakau, Prime Minister of the Republic of Vanuatu, on behalf of the core group of States, including Sierra Leone.

Sierra Leone thanks the Government and the people, in particular the young people, of Vanuatu for

conceiving of and leading the initiative that culminated in the submission and adoption of resolution 77/276. Acting on behalf of the people of Sierra Leone, in particular its young people, the Government of Sierra Leone is honoured to be part of the core group of States, recognizing the importance for States to take action to address the adverse effects of climate change, compelled by the principle of intergenerational equity. As the resolution outlines, climate change is an unprecedented challenge of civilizational proportions, and the well-being of current and future generations of humankind depends on our immediate and urgent response to it. The science is incontrovertible. Anthropogenic emissions of greenhouse gases have unequivocally been the dominant cause of the global warming observed since the mid-twentieth century.

Sierra Leone faces multiple risks from climate change. We are ranked as the third-most vulnerable nation to the adverse effects of climate change. It has been noted that our vulnerable population has a low capacity to adapt to climate change, and the rural population is the most affected because of its high dependence on rain-led agriculture and natural resource-based livelihoods. According to the science of climate change, those impacts are likely to continue to affect Sierra Leone in the future, despite it being least responsible for the problem, since Sierra Leone's contribution to global emissions of greenhouse gases is negligible. Sea level rise threatens low-lying coastal areas and will cause coastal regions to experience more frequent coastal flooding events and an increase in average precipitation. Heavy rainfall events may induce more flooding and increase stream-flow rates. Regrettably, on 14 August 2017, for instance, a mudslide reportedly killed more than 1,000 people in the mountain parts of the capital of Freetown, sweeping away houses and leaving residents desperate and extremely vulnerable. The mudslide occurred after three days of torrential rain.

A core function of the International Court of Justice is to render advisory opinions on the legal questions put to it by the General Assembly, in accordance with Article 96 of the Charter of the United Nations. As such, in delivering advisory opinions in accordance with its Statute, the Court contributes to promoting and clarifying international law and strengthening the multilateral international legal order. The importance of the advisory opinions on legal questions referred to the International Court of Justice, including the request

contained in resolution 77/276 for an advisory opinion on the obligations of States in respect of climate change, cannot be overstated, as the recognition of the urgency of the climate crisis must at least be matched by the level of climate action necessary to prevent a civilizational catastrophe. Fully respecting the rules and working methods of the Court, Sierra Leone will appeal to the Court to adopt the level of efficiency, rigour and judiciousness it would accord to a request of that nature by General Assembly.

Let me conclude by thanking all co-sponsoring delegations and all Member States for adopting resolution 77/276 by consensus.

Ms. Leendertse (Germany): This is a historic and hopeful moment for both multilateralism and climate action. After a long process, the General Assembly today adopted by consensus resolution 77/276 to seek an advisory opinion from the International Court of Justice.

Germany aligns itself with the statement made by the Prime Minister of Vanuatu on behalf of the core group and the statement made by the observer of the European Union.

Climate change is the defining challenge of our time, posing a grave threat to humankind as a whole and an existential threat to the most vulnerable populations. Sea level rise, for instance, threatens to render low-lying island nations uninhabitable, while more frequent and severe extreme weather events have already resulted in immense suffering throughout the world. While the international community has recognized the urgency of the climate crisis, our progress to date has fallen far short of achieving the level of climate action necessary to prevent environmental catastrophes. Germany takes that challenge very seriously. In the Federal Climate Change Act, Germany committed to achieving greenhouse-gas neutrality by 2045. In addition, emissions in Germany must be reduced, as compared to 1990 levels, by at least 65 per cent by 2030, and by at least 80 per cent by 2040.

Germany is a proud member of the core group leading the initiative to seek an advisory opinion from the International Court of Justice to clarify the rights and obligations of States under international law in relation to the adverse effects of climate change. We trust that seeking an advisory opinion is a constructive route to addressing the climate crisis and shaping States' conduct as it pertains to dealing

with climate change. That trust is based on the firm belief in the crucial contribution that the Court, when asked to give its advisory opinion, can make to clarify the extent and status of relevant obligations under international law with regard to all States. Given the urgency of taking climate action that keeps a warming limit of 1.5°C within reach, we especially share Vanuatu's intention to provide a legal motivation for all nations, including emerging and high-emitting developing countries, to build greater ambition into the Paris Agreement on Climate Change and nationally determined contributions and take meaningful action to curb emissions and protect human rights. Germany hopes that the initiative will contribute to further strengthening international cooperation, which is key for achieving the Paris Agreement objectives. Such cooperation is possible even in politically sensitive areas, as the Global Shield Against Climate Risks, jointly initiated by the Vulnerable 20 and the Group of Seven, has shown.

Vanuatu deserves recognition for bringing together a representative core group, encompassing various perspectives and interests. Vanuatu is to be commended for steering a process that today allowed us to adopt a critical initiative by consensus. In that process, Germany's goal was to formulate paragraphs and questions for submission to the Court that are future-oriented. The aim was to produce a text that clearly addresses the current obligations of all States on the basis of the current state of the law with regard to future developments on the issue of climate change. While the resolution does not limit the Court in its analysis, especially with regard to the time horizon, we believe that the core group could have gone further in that respect in order to make the initiative even stronger in its potential to promote climate action. At the same time, we fully recognize the enormous success reflected in the number of sponsors, and we reiterate our trust in the Court's deliberations. The adoption of resolution 77/276 by consensus sends a strong and clear message underlining our collective preparedness to address climate change. It attests convincingly to our commitment to the values of multilateralism.

Mr. Ikondere (Uganda): My delegation aligns itself with the statement delivered by the Prime Minister of Vanuatu, Mr. Alatoi Ishmael Kalsakau, on behalf of the core group, of which Uganda is a member.

We would first like to express our thanks and deep appreciation to the United Nations membership

for its active engagement and support as we navigated the process.

Climate change is a defining challenge of our times and one of the greatest challenges we face. Our collective effort to fight climate change is an irreversible process that must continue. However, we are compelled to point out that despite contributing an insignificant amount of global greenhouse-gas emissions, the African continent — like many developing regions of the world — suffers the effects of climate change to a disproportionate degree. Uganda, for instance, continues to experience prolonged droughts, the melting of ice caps on its highest mountain, Mount Ruwenzori, floods, erratic rainfall patterns and landslides. Uganda is extremely vulnerable to climate change and variability. Its economy and its people's well-being are inextricably linked to climate. Climate change caused by humans has the potential to halt or reverse the country's development trajectory in the coming century. In particular, it is likely to result in increased food insecurity, shifts in soil erosion and land degradation, flood damage to infrastructure and settlements and shifts in agricultural and natural resource productivity.

The request for an advisory opinion allows the International Court of Justice to make a unique contribution to the issue of climate change. As the principal judicial organ of the United Nations, the Court is uniquely positioned to make that contribution and the General Assembly must give it the opportunity to do so. To be clear, an advisory opinion is the most constructive and non-confrontational route within the entire palette of international adjudication for pursuing such an initiative. An advisory opinion could give clarity and greatly benefit our efforts to address the climate crisis. Furthermore, the legal weight and moral authority of such an advisory opinion could further bolster State conduct as it pertains to dealing with climate change.

The legal questions contained in resolution 77/276 represent a careful balance achieved after extensive consultations. At the heart of the question is a desire to further strengthen our efforts to deal with climate change, give climate justice the importance it deserves and bring the entirety of international law to bear on that unprecedented challenge.

In conclusion, Uganda is committed to the values of multilateralism — values that bring us together at the

United Nations to work for a better future. This initiative is an embodiment of those values. Uganda thanks all Member States for their support in adopting today's resolution, which will have a strong and positive impact on how we address climate change and ultimately on our ability to protect present and future generations.

Mr. Pildegovičs (Latvia): Latvia aligns itself with the statement delivered on behalf of the European Union and appreciates the contribution of the core group of States.

Today is truly historic. The adoption by consensus of resolution 77/276 has shown that Vanuatu and other small island developing States and vulnerable countries around the world are not alone in their fight against the effects of climate change. Vanuatu has played a unique role in shaping the response to the global climate crisis by demonstrating that climate change is an environmental issue that unquestionably reaches beyond the legal framework on international environmental law.

International courts and tribunals can play an important role in the formulation and development of the rules of international law that guide the conduct of States and other actors in dealing with the causes and implications of the climate crisis. We appreciate Vanuatu's historic initiative in requesting an advisory opinion on climate change from the International Court of Justice on climate change and international law. Latvia was proud to be a sponsor of the resolution and is seriously considering involvement in the advisory proceedings in order to contribute to the development of international law.

The International Court of Justice has made landmark contributions to the development of the rules of international law addressed by the request. As long ago as 1996, in its advisory opinion on the *Legality of the threat or use of nuclear weapons* (A/51/218, annex), the Court recognized that the environment is not an abstraction but represents the living space, the quality of life and the very health of human beings, including generations unborn. The existence of the general obligation of States to ensure that activities within their jurisdiction and control respect the environment of other States or of areas beyond national control is now part of the corpus of international law relating to the environment. In later decisions, the Court has explained and developed international law on the environment, the law of the sea and human rights law in other important respects. We are confident that the requested

International Court of Justice advisory opinion will bring greater legal clarity on the climate crisis.

As we continue to respond to the crises unfolding across the world, we must not lose sight of the commitment to working together to create a sustainable and resilient world for all nations, large or small.

Mr. Feruță (Romania): Romania aligns itself with the statement delivered on behalf of the European Union. I would also like to thank the Prime Minister of Vanuatu for the statement he delivered on behalf of the core group of States and to put on record our appreciation for the important role that Vanuatu played in the lead-up to today's adoption of resolution 77/276. The adoption that we have just witnessed in the General Assembly is a major achievement, and its success is made even greater by the fact that it was adopted by consensus. Romania is proud to have been able to contribute directly and substantially to that extensive effort as a member of the core group of initiators, led by Vanuatu. The significance of our actions today is twofold.

First, the resolution we just adopted reflects the united voice of the General Assembly and the international community in recognizing the importance of fighting climate change and standing up for the most vulnerable countries and peoples. Romania has long recognized the negative effects of climate change and their wider implications for peace and security around the world. Our interest and efforts have especially targeted the legal aspects of climate change and its effects, including from the perspective of sea level rise. While debates on connected topics are ongoing in the International Law Commission and the Legal Committee of the Assembly, today we have added a missing link by entrusting the International Court of Justice with clarifying existing obligations in connection with climate change.

Secondly, placing the responsibility of analysing that crucial topic on the International Court of Justice is a very clear sign of the full trust of the international community in the activity and professionalism of the Court. The advisory jurisdiction of the Court is a very important tool at our disposal and the General Assembly has once again shown its willingness to make good use of it. Beyond its advisory function, the Court is being asked more often than ever to play a role in the overall international community's efforts to preserve peace and security and stability. In our view, this is a momentous

time to look into ways of encouraging wider use of the Court's jurisdiction.

With that goal in mind, Romania has presented an initiative to promote the broader recognition of the International Court of Justice's jurisdiction, building on previous efforts in the area. Together with a group of supporting countries, we have formulated and issued a declaration that lists the main arguments for accepting the Court's contentious jurisdiction and encourages States to confer jurisdiction on the International Court of Justice by any of the means envisaged in its Statute, as deemed appropriate. The document reaffirms the Court's important contribution to the peaceful settlement of disputes and the promotion of the rule of law globally and invites States to make better use of that potential. The text is open for endorsement by all States as a renewed expression of their adherence to international law. And we would like to take advantage of this occasion to renew our call to all States to sign the declaration and take an additional step in support of the Court, following the historic resolution we have just adopted today.

Mr. Kariuki (United Kingdom): We thank Vanuatu and the core group of States that presented resolution 77/276 for the positive and constructive approach they took towards negotiations. We particularly welcome the presence of Prime Minister Kalsakau at this meeting.

The United Kingdom is committed to taking ambitious action to tackle climate change, biodiversity loss and environmental degradation. We were proud to host the twenty-sixth Conference of the Parties to the United Nations Framework Convention on Climate Change (COP26) in Glasgow, where all 197 parties agreed to the Glasgow climate pact. At COP26, nature also moved from the margins of the debate on climate change to the heart of it. The United Kingdom will continue to lead and engage with regard to climate change and nature to ensure that promises are kept and delivered to the highest standards, working with all partners to maintain momentum.

The United Kingdom is especially proud of its work with small island developing States (SIDS) and least-developed countries, both in its capacity as President of COP26 and beyond. The United Kingdom recognizes that all States are vulnerable to the impacts of climate change and that SIDS are some of the most vulnerable. In that regard, the United Kingdom set up climate and development ministerial meetings to focus on the

priorities of climate-vulnerable States. We co-lead with Fiji the Taskforce on Access to Climate Finance to improve access for SIDS and climate-vulnerable States. We have also created programmes such as the Small Island Developing State Capacity and Resilience programme and the Infrastructure for Resilient Island States facility. In addition, the United Kingdom was instrumental in securing agreements and funding to set up and develop the Santiago Network to provide technical assistance for the implementation of approaches for averting, minimizing and addressing loss and damage.

We welcome the International Court of Justice considering the current obligations of all States under international law to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases, as well as the legal consequences when States, by their acts or omissions, breach such obligations, causing significant harm. By looking at the obligations as they are today, the questions are clearly focused on assisting States in understanding their obligations under international law so that they are able to comply with them in the future and understand the consequences if they breach them. In particular, we are pleased to make the following four observations on the questions. First, they are not determinative of whether there are obligations or where they flow from. Secondly, they do not prejudge whether breaches have occurred, are occurring or will occur, but look at the consequences if and when they do. Thirdly, they are not limited to considering the obligations and legal consequences for any specific State or States. Fourthly and lastly, they are not determinative of whether any States have been specially affected or injured.

The United Kingdom's sponsorship of the resolution today is without prejudice to its position on, and interpretation of, the obligations, instruments and concepts to which resolution 77/276 refers, or to any submissions by His Majesty's Government before the International Court of Justice and other courts and tribunals. We also note that the first question is focused on the obligations relating specifically to anthropogenic emissions of greenhouse gases. Increasing climate action is a top priority for the United Kingdom. The Intergovernmental Panel on Climate Change says that, in order to keep the 1.5°C target alive, we need emissions to peak in 2025, halve by 2030 and reach net zero by 2050. We recognize the United Nations

Framework Convention on Climate Change (UNFCCC) as the primary intergovernmental negotiating forum for climate action. An advisory opinion of the International Court of Justice may help us refocus efforts to deliver on climate commitments in this critical decade, which would support the agenda of the UNFCCC. We are pleased to have sponsored resolution 77/276 today.

Mr. De la Fuente Ramírez (Mexico) (*spoke in Spanish*): Mexico welcomes the request for an advisory opinion from the International Court of Justice that we adopted in resolution 77/276, which will surely make it possible to determine with greater precision the legal regime relating to the legal obligations and consequences of States with respect to climate change. The adoption of that resolution reflects the importance that the international community attaches to climate change in particular, and to the climate crisis in general. It is also a reaffirmation of our confidence in the International Court of Justice as the principal judicial organ of the United Nations. Furthermore, we are strengthening today the trend of resorting to international law to better deal with the various issues that, as a result of their global nature, concern us all, as they affect us all. That holds especially true with regard to environmental matters. A few days ago, we were able to reach a historic agreement on the conservation and sustainable use of marine biodiversity in areas beyond national jurisdiction. We are confident that the implementation agreement under the United Nations Convention on the Law of the Sea will soon be translated into a legally binding instrument.

Moreover, the International Law Commission is working on sea level rise in relation to international law. At the same time, the International Tribunal for the Law of the Sea has also received a request for an advisory opinion on the impact of climate change on the oceans, while the Inter-American Court of Human Rights has received a request for an advisory opinion on the effects of the climate emergency on human rights. All those processes, including the one that concerns us today, are specific in character but have complementary effects. They also send a clear and forceful message: we must urgently address the climate crisis, and international law is one of the best tools available to us for that purpose. Everything I just said takes on greater importance in the light of the most recent alarming report by the Intergovernmental Panel on Climate Change.

Mexico appreciates the advisory powers of the International Court of Justice and its capacity to prevent and resolve conflicts. Despite 29 appeals in its entire history, its advisory jurisdiction can play an extremely meaningful role in moving forward issues that are of pressing concern for the international community and preventing new disputes by strengthening the rule of law at the international level. As we have repeatedly stated, that is why we believe that the Secretary-General must have the authority to request advisory opinions from the Court. That option, which was originally proposed by former Secretary-General Javier Pérez de Cuéllar, is perhaps today even more urgent, as it involves a mechanism for strengthening the Secretary-General's preventive diplomacy efforts. We must also prioritize expanding the Court's jurisdiction to settle disputes. Therefore, we urge those States that have not yet done so to recognize its jurisdiction as compulsory, withdraw their reservations, negotiate and accept the provisions that grant it jurisdiction under international treaties, and join the declaration on promoting the jurisdiction of the International Court of Justice, which 33 countries have already signed.

In conclusion, Mexico reiterates its support for the International Court of Justice in both its advisory and judicial work, and acknowledges its valuable contribution to the peaceful settlement of disputes and the progressive development of international law.

Mr. Moon (Republic of Korea): First of all, the Republic of Korea appreciates the work done by Vanuatu and the core group. We welcome today's consensus adoption of resolution 77/276, which requests the International Court of Justice's advisory opinion on climate change, in which we are pleased to have participated as a sponsor.

No one in the world is immune to the impact of climate change. No State is free from the burden of tackling that global crisis, which poses existential threats, especially to small island developing States. The recently published report of the Intergovernmental Panel on Climate Change warns — alarmingly — that limiting warming below 1.5°C will not be possible with the nationally determined contributions announced at the twenty-sixth Conference of the Parties to the United Nations Framework Convention on Climate Change. It is undeniable that more ambitious and coordinated efforts from the international community are essential. The Republic of Korea has been doing everything it can to contribute to strengthening climate action. Our

Government recently drafted our first national plan for carbon neutrality and green growth, based on our framework act on carbon neutrality and green growth for coping with the climate crisis, which lays out our climate action by sector and year. In line with that, we will expand our green official development assistance with our financial contributions to the Global Climate Partnership Fund, the Global Green Growth Institute, the Adaptation Fund and others. In Seoul in 2021 we also hosted the P4G Summit, with a declaration that reiterates the importance of public-private partnerships and green recovery from the pandemic. We will strengthen our international engagement with multilateral initiatives, including the Global Methane Pledge, the Partnership for Action on Green Economy and the Rising Nations Initiative.

The international community has been working to address the climate crisis on multiple fronts, and the Republic of Korea supports climate action by the international community through the United Nations Framework Convention on Climate Change, the primary intergovernmental forum for such action. In that regard, my delegation would like to mention a few points.

First, just as the questions in the resolution we have just adopted are framed in terms of law, the opinion that the resolution seeks from the Court is firmly based on law. The applicable law in this case is meant to be existing international law rather than law in the making. My delegation is of the view that the established distinction between *lex lata* and *lex ferenda* still remains valid in this evolving area of international law. We therefore expect the Court to maintain a clear legal focus and uphold judicial integrity, distancing itself from any legislative moves.

Secondly, it should be noted that the questions in the resolution do not presuppose any existence of obligation or breach. Moreover, the second question addresses the issue of legal consequences, if and when any breaches of obligation occur, and serves as a forward-looking catalyst. We trust that the endeavour is not intended to apportion responsibility for the past but to find collective wisdom for the future from legal sources in order to galvanize our resolve to tackle the challenge common to all of us.

Thirdly, we recognize that resolution 77/276 is intended to help us better understand legal aspects of the area of climate change, especially the obligations of States. The ensuing process will be advisory in nature,

with a non-binding outcome, but its opinion will be far-reaching in its implications beyond any limited disputants. In the absence of any disputing parties in its advisory proceedings, the Court is supposed to arrive at an opinion with the help of all the elements of the information available to it. Given the complexity of the issues, my delegation hopes that the Court will draw on sound scientific and technical expertise, and when necessary obtain the views of States with regard to their practices and *opinio juris*.

I would be remiss if I did not mention the other international legal bodies working in parallel. The International Law Commission has been working on the topic of sea level rise in relation to international law. The International Tribunal for the Law of the Sea recently received a request for an advisory opinion with regard to that issue. While no entity has an exclusive mandate on climate-related legal matters, we hope that some convergence will ultimately emerge.

The resolution's significant number of sponsors and adoption by consensus are a demonstration of the common understanding of Member States that the climate crisis should be addressed with all the tools at our disposal. After all, it is our collective resolve that is fundamental to overcoming the climate crisis. The Republic of Korea will continue to engage in every effort by the international community, including the advisory proceedings of the International Court of Justice.

Mr. Hilale (Morocco) (*spoke in French*): First of all, my delegation would like to thank the Prime Minister of Vanuatu for his statement made earlier on behalf of the core group.

In its latest report, entitled *Provisional State of the Global Climate 2022*, the World Meteorological Organization notes that the last eight years have been the warmest on record. The degradation of the environment is an undisputed fact, including with regard to the effects of climate change that threaten us all and that the international community must face together. The various scientific reports of recent years are extremely alarming, and all indicate that climate change is the number-one existential challenge of our time. Morocco is concerned about the current and future adverse effects of climate change, such as rising ocean temperatures, ocean deoxygenation, sea level rise and ocean acidification. Despite the fact that my country is a low emitter of greenhouse gases, through

its non-financial defined contribution the Kingdom of Morocco is committed to reducing its greenhouse-gas emissions by 42 per cent by 2030 and hopes to exceed that threshold. Likewise, we are resolutely committed to the renewable energy sector. Morocco has set a goal of ensuring that such sources account for 52 per cent of its national electricity production by 2030.

The consequences of inaction in the face of the climate crisis will be disastrous for current and future generations. By 2030, as many as 118 million of Africa's poorest people could be directly threatened by extreme weather events. That is why, as Member States, we now have an opportunity and a duty to support resolution 77/276, so as to demonstrate the shared and collective commitment of the States Members of the United Nations to human rights and the environment. It was based on those beliefs that Morocco joined the core group that submitted the draft of today's resolution, entitled "Request for an advisory opinion of the International Court of Justice on the obligations of States in respect of climate change".

As the principal judicial organ of the United Nations, the International Court of Justice is called on to contribute to clarifying the rights and obligations of States under international law with regard to the adverse effects of climate change. Resolution 77/276 is the result of negotiations among geographically diverse countries in both the northern and southern hemispheres, including both States that are vulnerable to the climate crisis and some of the historically largest emitters. It represents the culmination of the best kind of multilateral effort, in which compromise is key, as we saw in the fact that it was sponsored by 130 delegations and adopted by consensus. The resolution thereby strikes a delicate balance between climate justice and a forward-looking perspective. It acknowledges that we must learn from the past if we are to build a just and sustainable future and that international law has a role to play in righting our current course. It is because we believe in the power of multilateralism that we helped to bring this initiative forward, in order to clarify this important issue for current and future generations. We earnestly hope that the Court's response will strengthen the negotiating position of developing countries and solidarity with those that are most vulnerable to the effects of climate change.

Lastly, it is important to underscore that the view of the Court could highlight the issue of compensating victims of climate disasters for loss and damage,

which was a key multilateral topic of the twenty-seventh Conference of the Parties to the United Nations Framework Convention on Climate Change. It is now our collective duty to continue working together on the progress that has been made and supporting the countries most vulnerable to climate change.

Mr. Valtýsson (Iceland): At the outset, let me thank Vanuatu and other core group members for this important initiative and the constructive approach that they took to the negotiations on the text of resolution 77/276.

Iceland became a sponsor of the resolution in recognition of the fact that climate change is the defining issue of our time and of how important it is for small island developing States and other States that are particularly vulnerable to the effects of climate change. Throughout the process leading up to the adoption of the resolution, it has been clear that more than anything else, our hope is that the initiative becomes part of a collective push towards greater climate action. Likewise, in response to the report of the Intergovernmental Panel on Climate Change released earlier this month, the Secretary-General submitted a plan to supercharge efforts — namely, the Acceleration Agenda. The time to act is now. Iceland is committed to climate action. Our Government has set an ambitious emissions reduction goal, as well as a national carbon neutrality target, through climate legislation. That means that our laws state that Iceland must achieve carbon neutrality no later than 2040. In addition, Iceland must reach full energy conversion no later than 2040, which will make Iceland fully free of fossil fuels. Also, our Government will not issue any licences for oil exploration in our exclusive economic zone. Internationally, Iceland has stepped up its contributions to climate financing by doubling its commitment to the Green Climate Fund during the past two years and joining the Adaptation Fund. We thereby recognize the crucial role of adaptation, for which the need can be most dire within the States and among the people who have least contributed to climate change. Our multilateral development cooperation is also increasingly focused on climate financing.

Regarding the text of resolution 77/276, we welcome the request for an advisory opinion of the International Court of Justice to shed light on the obligations of States under applicable international law and the legal consequences for all States for breaching those obligations. We expect the Court to answer the legal questions on the basis of the current obligations of

all States to ensure the protection of the climate system and other parts of the environment from anthropogenic emissions of greenhouse gases. The questions to the International Court of Justice and the resolution as a whole do not prejudice the nature of such obligations and do not pertain to whether breaches have occurred, are occurring or will occur. Furthermore, we note that the preambular part refers to a number of matters that are not related to legal obligations, and as such would not be expected to have any bearing on the Court's advisory opinion. Our sponsorship is without prejudice to our position on, and interpretation of, the obligations, instruments and concepts that the resolution refers to, or to any eventual submissions before the International Court of Justice and other courts and tribunals.

Iceland actively and constructively participated in the process that led to the adoption of resolution 77/276 today. We were positive about the idea from the outset and happy to have become one of the resolution's sponsors. We remain committed to climate action and recall the primary role of the United Nations Framework Convention on Climate Change and the Paris Agreement, in that regard.

Ms. Zacarias (Portugal): I would like to align my statement with the statements delivered by the representative of the European Union in its capacity of observer and the representative of Vanuatu, and I would like to add a few remarks in my national capacity.

Climate change is the defining issue of our time. As highlighted by the Secretary-General, now is the defining moment to do something about it. As we learned just a few days ago from the most recent synthesis report of the Intergovernmental Panel on Climate Change, time is running out. There is a rapidly closing window of opportunity to secure a liveable and sustainable future for all. There is still a feasible pathway to avoid humankind's defeat, but it will require accelerated, bold and effective climate action on all fronts. The initiative led by Vanuatu, which Portugal is proud to have supported from its inception as a member of the core group that developed resolution 77/276, is yet another important tool — a tool to promote climate action, incentivize cooperation at all levels, raise the level of ambition in our collective efforts and further advance the crucial dimension of climate justice and solidarity, which is particularly crucial with respect to those most affected and most vulnerable to the effects of climate change, especially small island developing States. In doing so, the initiative supports the concurrent

efforts being carried out within the framework of the United Nations Framework Convention on Climate Change, the Paris Agreement on Climate Change and discussions in forums such as the International Law Commission.

Portugal is a staunch supporter of international law, the peaceful settlement of disputes and the key role played by the International Court of Justice, as a bedrock that both upholds and promotes the multilateral order underpinned by those core tenets. We therefore recognize the Court's ability to support the fight against climate change and the promotion of climate justice. By contributing to the clarification and development of international law, the Court's advisory jurisdiction is a tool that, coupled with other instruments developed by the international community to that end, can encourage further action to tackle climate change and bring justice to its victims. The historic adoption by consensus of resolution 77/276 and the fact that more than 120 States co-sponsored it are a clear testament to the significance of the initiative, the crucial role that the international community ascribes to the International Court of Justice and the urgency of taking further and accelerated action to address climate change for present and future generations.

Ms. Morel (Seychelles): Seychelles commends the Republic of Vanuatu and the core group for the notable initiative taken to seek an advisory opinion on climate change from the International Court of Justice, especially at a time when the urgency of this existential crisis is becoming ever-more accentuated.

The most recent — sixth — assessment report of the Intergovernmental Panel on Climate Change sounds the alarm on the dismal realities of our world today and the calamitous future that we could face if we do not take action now. The report warns us that the current pace and scale of climate action are insufficient and that extreme risks escalate with every increment of global warming. Climate change is having detrimental impacts on planetary health and human well-being everywhere, but it is the most vulnerable populations, which historically contributed the least to the unfolding climate calamity, that are being disproportionately affected by its consequences. Small island developing States such as Seychelles face both immediate and slow-onset impacts from the rise in temperatures, ranging from extreme weather events to coastal erosion and sea level rise. Undoubtedly, that renders us the

least resilient and the least able to respond to the severe threats posed by climate change.

Such an important advisory opinion will put a spotlight on the obligation of States to ensure that we all have the right to a clean, healthy and sustainable environment. The process being proposed today through resolution 77/276 reminds us that the inextricable link between climate change and human rights exists and that States have an obligation to protect our precious planet. Seychelles stands behind the resolution, and we are encouraged to see that the General Assembly has given it the broadest possible support, which it deserves, as a symbol of our commitment to incite transformative climate action that will give the next generations the promise of a sustainable future.

Mr. Ruidíaz Pérez (Chile) (*spoke in Spanish*): Chile thanks Vanuatu and the core group for submitting the important resolution 77/276, which my country co-sponsored. We believe that it strikes a balance among the various positions of delegations. We therefore commend the General Assembly for having adopted it by consensus. Chile believes that requesting an advisory opinion on climate change from the International Court of Justice is timely and useful, as it will make way for important clarifications on the obligations of the States on that subject, which will ultimately have the significant effect of enabling the promotion of greater cooperation among States in order to respond more decisively to the climate emergency. My delegation would like to make three general remarks.

First, for Chile, there is a very clear link between human rights and the obligations of States to address climate change. We therefore support the references in the resolution on the human right to a clean, healthy and sustainable environment, as well as other universal human rights instruments. In that regard, I would like to mention that on 9 January Chile and Colombia requested an advisory opinion from the Inter-American Court of Human Rights on the climate emergency and human rights, which we will provide to the International Court of Justice as a precedent for its consideration. That request is in addition to the request submitted by the Commission of Small Island States to the International Tribunal for the Law of the Sea, and both initiatives complement the request that has been submitted to the main judicial organ of the United Nations.

Chile believes that the human right to a clean, healthy and sustainable environment derives from the

principle of respect for human rights and is consistent with the obligation to prevent transboundary damage. Both of those are relevant principles that can be used to apply general international law to inter-State relations on climate change.

The second aspect that I would like to highlight is that it is relevant for the International Court of Justice to enlighten us on the obligations of States in this matter. To that end, in addition to considering the various treaties identified in the resolution, the Court may inquire into the legal value and content of other sources of international law, including general principles and norms of customary international law, such as the international responsibility of States, the duty of due diligence and the duty to cooperate, from all of which derive general and specific obligations for States in the context of the climate emergency.

It is also relevant for the Court to bear in mind other principles such as equity, the principle that the polluter pays and the principle of territorial integrity and legal stability in relation to the maintenance of baselines and the outer limits of maritime zones in accordance with the United Nations Convention on the Law of the Sea, as well as the non-refoulement obligations of third States with respect to persons affected by sea level rise, which have also been discussed by the Study Group of the International Law Commission on sea level rise in relation to international law.

Finally, I would like to highlight adaptation, which within the response to climate change should be seen not as an option but an imperative need. The climate crisis forces us to look carefully at our jurisdictional obligations to protect the most vulnerable. What is essential for those groups is the ability to adapt to the new realities imposed by global warming, which threatens their food security, housing, access to water, health and ultimately their lives. It is important to analyse the obligation of States to take public action vis-à-vis their own inhabitants in situations of vulnerability, but also to ensure that the developed countries honour their obligation to mobilize funding for developing countries in a way that maintains a balance between mitigation and adaptation.

Chile trusts that the International Court of Justice will thoroughly review the practice and opinions of the States on these matters, and in that regard it will certainly be able to count on the assistance of States,

which we hope will actively intervene both in writing and in future oral debates held before the Court.

Ms. Juul (Norway): As one of the sponsors of resolution 77/276, Norway would like to thank Vanuatu and the core group for this important and timely initiative and to congratulate them on its successful adoption.

Climate change poses an existential threat to both current and future generations. Protecting the climate system and the environment from human-made emissions of greenhouse gases, will be, to quote the Secretary-General, “the defining issue of our age”. Addressing that issue is a top priority for Norway.

All States are vulnerable to the impacts of climate change, and we recognize that small island developing States will be among those especially affected. In its sixth and most recent Assessment Report, the Intergovernmental Panel on Climate Change estimates that 896 million people from low-lying coastal zones will be particularly exposed to changes in the ocean and the cryosphere, notably through sea level rise and the associated loss of biodiversity. The factual consequences of those changes prompt important and complex questions of international law. The changing coastlines may affect the location of maritime limits. National boundaries may be affected, and in certain instances particularly vulnerable States risk losing the land territory that is the basis for their existence. People may be forced to leave their homes to find assistance and protection abroad. Those issues pertaining to sea-level rise in relation to international law are on the agenda of the International Law Commission, and we welcome the Commission’s contribution to assisting States in clarifying and exploring the international law relating to this pressing and topical issue.

Norway welcomes the consideration by the International Court of Justice of the current obligations of States under international law to ensure the protection of the climate system and the environment, as well as the legal consequences where by their acts or omissions States breach such obligations, causing significant harm. We believe that improved legal clarity is important to strengthening our shared ability to comply with those obligations in the future. From Norway’s perspective, the greatest value of the resolution is in the elaboration it presents on current obligations, and through that, its ability to lay a foundation for improved future compliance and greater ambition on climate action.

We are therefore pleased that the questions posed to the Court are focused on improving the understanding of existing obligations under international law with a view to preventing future breaches. We also welcome that the questions are related to obligations and possible legal consequences for all States, and are not limited to a specific State or group of States. We note that the questions are not determinative of whether there are such obligations or where they flow from. We also note that the questions posed to the Court do not prejudge the nature of such obligations or their consequences, but are openly paraphrased. Furthermore, we note that the questions do not assume that breaches of any relevant obligations have already occurred or are occurring now, but look rather to clarify the existence and content of obligations and the legal consequences if breaches occur.

Norway’s sponsorship of the resolution is without prejudice to its position on or interpretation of the obligations, instruments and concepts to which the resolution refers. It is also without prejudice to any submission made by Norway before the International Court of Justice or any other court, tribunal, or treaty body on the issues to which the resolution refers.

Responding to climate change will require both practical and legal solutions. Discussions about the legal consequences of climate change must therefore be conducted in tandem with our political determination to address this pressing issue, and must not overshadow it. Recognizing that the United Nations Framework Convention on Climate Change, together with the Paris Agreement on Climate Change, is the primary negotiating forum for developing and implementing international climate framework, it is our hope that the Court’s consideration of the questions put to it through the resolution will contribute constructively to strengthening both global and national climate action and raising our ambitions.

Mr. Mead (Canada) (*spoke in French*): Canada recognizes that climate change is one of the major global challenges of our times. All actors should take concrete and ambitious action to address this immense challenge and build a more sustainable world. We are doing our part by taking ambitious measures at the national level and supporting international cooperation.

(*spoke in English*)

At home, we are advancing a broad range of measures to reduce Canada’s emissions by 40 to 45 per

cent by 2030, and have enshrined our commitment to meet net-zero emissions by 2050 into domestic law. Internationally, we support the full and effective implementation of the Paris Agreement on Climate Change and work with global partners to promote concrete action, including through the Global Carbon Pricing Challenge and the Powering Past Coal Alliance. Canada also doubled the amount of its international climate financing to \$5.3 billion over the period 2021–2026 in order to support developing countries in the fight against climate change, which includes a commitment of 40 per cent for adaptation financing, supporting local action on the ground, women's rights and the rights of indigenous peoples.

Canada joined others in co-sponsoring resolution 77/276, on the request for an advisory opinion from the International Court of Justice on the obligations of States in respect of climate change. In Canada's view, it is important that the Court look at States' obligations in the context of the instruments and principles mentioned in the resolution. Due regard needs to be given to whether the instruments mentioned are binding or not, the fact that States are bound only by those treaties to which they are parties and the specific temporal and territorial limits of certain obligations. Canada would also like to note that there is currently no common, internationally agreed understanding of a number of concepts referred to in the resolution, such as the right to a clean, healthy and sustainable environment. Canada's co-sponsorship of resolution 77/276 is without prejudice to its position on the various instruments and aspects mentioned therein, or to any submissions Canada may eventually present to the International Court of Justice or other adjudicative bodies.

Resolution 77/276 seeks the advice of the International Court of Justice with regard to what obligations and legal consequences for current or future breaches States face, or could face, pursuant to both various international treaties and the well-established obligations of customary international law. The Paris Agreement on Climate Change is built on the need to mitigate future emissions, because that is the only way to avert the worsening impacts of climate change.

(spoke in French)

Canada hopes that the opinion rendered by the International Court of Justice will contribute to advancing the negotiations of the United Nations Framework Convention on Climate Change, the Paris

Agreement and other forums. We hope that the opinion will enable all States to enhance their ambition to combat climate change so that we can all collectively focus on addressing that global challenge.

Mr. Hill (United States of America): Addressing the climate crisis is of the highest priority for the United States, both at home and abroad. In that context, the United States reaffirms its fundamental view that diplomacy is the best pathway for achieving our shared climate goals. Domestically, President Biden has taken the strongest climate action in United States history. Through the Inflation Reduction Act and other efforts, we are on track to achieve our ambitious nationally determined contribution under the Paris Agreement, which is consistent with keeping a 1.5°C temperature limit within reach.

Internationally, the United States has put the climate crisis at the centre of our foreign policy and diplomacy. President Biden, Secretary of State Blinken, Special Presidential Envoy for Climate John Kerry, Cabinet officials across the United States Government and our diplomats around the world have worked tirelessly to advance global climate ambitions in order to keep a 1.5°C limit on temperature rise within reach and help countries adapt to and manage climate impacts, and more. That has taken many diplomatic forms.

For instance, President Biden has convened fellow leaders of the world's largest economies three times since taking office — and will do so again in April — to press for countries to enhance their ambitions in line with what the science tells us is needed to keep the 1.5°C limit within reach, complementing our broader efforts to drive the ambitious implementation of the Paris Agreement on Climate Change at the meetings of the Conference of the Parties to the United Nations Framework Convention on Climate Change and other key milestone events to be held throughout the year. We have also been promoting emission reductions in sectoral forums such as the International Civil Aviation Organization and the International Maritime Organization, spearheading bilateral and multilateral cooperative initiatives, such as the Global Methane Pledge and the Green Shipping Challenge and launching the President's Emergency Plan for Adaptation and Resilience — PREPARE — initiative, aimed at working together with developing countries to help more than 500 million people worldwide adapt to climate change.

And we are focused on mobilizing resources to support developing countries as they address the climate crisis, not only by providing assistance with our own public resources but also by mobilizing support from the private sector and the multilateral development banks — including by holding critical and ongoing discussions about their reform and evolution — and other sources and by working to align broader global financing flows with the goals of the Paris Agreement. We are also focused on minimizing the risks of sea-level rise for small island and low-lying States and working to address its impacts through our policies and support. That includes our commitment to preserving the legitimacy of States' maritime zones and the associated rights and entitlements that have been established consistent with international law. In that context, the United States engaged in the discussions on resolution 77/276 with a view to considering how best we can advance our collective efforts. We considered that carefully, recognizing the priority that Vanuatu and other small island developing States have placed on seeking an advisory opinion from the International Court of Justice with the aim of advancing progress towards climate goals.

However, we have serious concerns that that process could complicate our collective efforts and will not bring us closer to achieving those shared goals. We believe that launching a judicial process, especially given the broad scope of the questions, will likely accentuate disagreements and not be conducive to advancing ongoing diplomatic and other processes. In the light of those concerns, the United States disagrees that the initiative is the best approach to achieving our shared goals and takes this opportunity to reaffirm our view that diplomatic efforts are the best means by which to address the climate crisis.

While we recognize that this process will go forward, in the light of the significant support enjoyed by the resolution, we underscore our continuing belief that successfully tackling the climate crisis is best achieved by doubling down on the types of diplomatic efforts that we are engaged in, including multilateral engagement under the Paris Agreement and other forums, plurilateral initiatives and bilateral efforts that advance solutions to the multifaceted challenges caused by the climate crisis. The United States will welcome the opportunity to share our legal views and engage with States and the Court on the questions posed. For

now, we would like to share a few observations with respect to the text of resolution 77/276.

First, with respect to the chapeau of the question, while the Paris Agreement sets forth a number of climate change obligations, as well as many non-binding provisions, the reference to other treaties should not be understood to imply that each of those treaties contains obligations to ensure the protection of the climate system. In addition, we emphasize that references to certain principles and duties should not be understood as reflecting any conclusion about the nature, scope or application of any such principles or duties to the question at hand.

Secondly, we note that the question asks about obligations and the related legal consequences under those obligations for all States. The question does not prejudice the nature of any such obligations or the legal consequences for any breaches of those obligations. Neither does it presuppose that such breaches have occurred or are occurring, but asks about the consequences if and when they do, whether now or in the future.

Thirdly and lastly, with respect to the preambular paragraphs, we note that several of them, such as those related to non-binding goals, address matters that are not related to legal obligations, and therefore are not relevant to the questions posed. In that regard, the matters addressed in the preambular paragraphs should not be assumed to have any bearing on the Court's advisory opinion.

Mr. Luteru (Samoa): Today is a historic day for climate justice. As a member of the core group, Samoa aligns itself with the statement made by the Prime Minister of Vanuatu. Samoa fully supports the Assembly's historic consensus adoption of resolution 77/276, which seeks an advisory opinion from the International Court of Justice on the obligations of States in respect of climate change. The key principles of human rights and justice are well enshrined in our Charter of the United Nations and supported by international treaties — principles and values that bind us as citizens and custodians of planet Earth.

We are currently witnessing unprecedented and unparalleled changes in our climate system that will have long-lasting effects if we do not come together and reverse the current trend in greenhouse-gas emissions. The Sixth Assessment Report of the Intergovernmental Panel on Climate Change is yet another stark reminder

of how urgent it is that we act now. The science is clear and irrefutable.

Vanuatu's initiative in bringing resolution 77/276 to the General Assembly is timely. It is also an urgent global call to action. The right to the environment is now accepted as a universal human right by the Human Rights Council and by the Assembly through its resolution 76/300, which recognized the right to a clean, healthy and sustainable environment. This is about climate justice, and it is a human rights issue that will affect both current and future generations. At the moment, the financial burden of climate change falls almost entirely on the nations affected and not on those most responsible for its adverse effects. Seeking an advisory opinion to clarify the rights and obligations of States under international law pertaining to climate change is morally the right thing to do. As a small, vulnerable State, Samoa relies on the rule of law as one of the few shields we have to protect its people. We firmly believe that the rule of law will also assist in the future work of the United Nations and the United Nations Framework Convention on Climate Change.

I commend Vanuatu and all Member States for championing this vitally important initiative for all of us, and I assure the Assembly of Samoa's continued unwavering support. We encourage Member States to stay engaged in the next phase and to share their ideas and comments with the International Court of Justice in due course. As members of the global community affected by climate change in one way or another, let us move forward together, in line with the principles of climate justice and human rights. I call for the Assembly's continued valuable support for this initiative.

Mr. Marschik (Austria): Austria aligns itself with the statement delivered on behalf of the European Union.

First, let me join others in congratulating Vanuatu on starting and leading this successful initiative. We appreciate that Vanuatu, together with a core group of States, conducted an extensive and inclusive consultation process resulting in our adoption today of resolution 77/276. For Austria, the possibility for the real involvement of all interested parties is essential to the legitimacy and success of such an initiative. As the Assembly is aware, Austria is a steadfast supporter of multilateralism and international law. The resolution before us strengthens both of those, with the objective of countering climate change altogether. Climate change

is the prime example of a challenge that we cannot address alone — we know that. We need concerted global action and multilateral coordination, and we need international legal clarity.

As a small, independent country, Austria relies on other States' compliance with international law for security. In short, international law keeps our citizens safe. We therefore have full sympathy and understanding for States whose existence and security depend on global efforts to address climate change and that want to make use of the obligatory power of international law to help keep their citizens safe and make life on their territories sustainable. International law should keep their citizens safe too.

Austria has been and will remain a steadfast supporter of strong global action on climate change and the environment. Last year we supported the Assembly's landmark resolution 76/300, which recognized the right to a safe, healthy and sustainable environment. Today's resolution will help generate further legal clarity with regard to States' obligations on climate change. The commitment to international law and the rule of law includes the strict observance and equal application of existing laws and norms and the continued development of the law, principles that we have agreed must be respected and implemented by all States, large and small, developed and developing. Advisory opinions of the International Court of Justice can be useful in clarifying legal obligations, and since the process leading to today's adoption was inclusive and transparent, enabling all interested parties to participate, we expect that a subsequent advisory opinion will have a positive impact by clarifying the legal obligations of all States in respect to climate change, which in turn will help us all meet those obligations.

Mr. Rai (Papua New Guinea): Let me begin by extending Papua New Guinea's warm welcome to Prime Minister Kalsakau and the delegation of the Republic of Vanuatu, our fellow Melanesian Wantoks and Pacific neighbours, to today's very important meeting. We thank Vanuatu for its excellent leadership and work on the landmark initiative on requesting an advisory opinion on climate change by the International Court of Justice. We welcomed Mr. Kalsakau's resounding statement today. I also want to recognize the important role played by the members of the core group of countries, as well as the many other delegations, including my own, that have supported Vanuatu and the core group in this process. And I would like to say

a special word of thanks to the young people of the Pacific region, supported by their peers around the world, who sowed the seeds of this initiative, which has so remarkably sprouted and been given life. It augurs well for intergenerational equity and leadership on the climate agenda, which must be further encouraged. We would also like to convey our profound appreciation to all the sponsors of resolution 77/276 — a two-thirds majority — and for the support of others who may not be sponsors. Their support for today's resolution is a distinct legacy on the right side of history.

Today is indeed a historic day, with the resounding consensus adoption for the very first time in this Hall of a General Assembly resolution (resolution 77/276) on an advisory opinion on climate change from the principal judicial organ of the United Nations, namely, the International Court of Justice. The outcome today also attests to what multilateralism can deliver when it is inclusive and consultative and leaves no one behind. From that standpoint, we appreciate the inclusive, open and transparent manner of the process and the adequate time afforded to progressing such important work. That historic outcome today will no doubt set the stage for the important days ahead.

The climate change narrative for all of us, in particular small island developing States (SIDS), including those from our Blue Pacific continent, is well known. Suffice it to say that, as canaries in the coal mine, the strong commitment and advocacy of Papua New Guinea and our other Pacific SIDS in combating climate change with a sense of urgency and comprehensively — including through partnerships under the multilateral architecture, such as the United Nations Framework Convention on Climate Change, the Paris Agreement on Climate Change and similar important forums — will remain steadfast, consistent and unrelenting, given our lived reality today. For us, the stakes are too high. That is not only due to our vulnerabilities and constraints in how we respond to climate change and the serious consequences for our sustainable development that stem from it, but more important, for some of our low-lying atoll members it is also an existential threat to their survival as peoples and nations. That is why the leaders of the Blue Pacific continent have declared climate change as the single-greatest threat to the livelihoods, security and well-being of the peoples of the Pacific. It is therefore critically important and urgent to address our vulnerabilities and build resilience through mitigation

and adaptation measures in cooperation with each other and with other development partners.

It is also why today, as we usher in this landmark development in our Blue Pacific continent, our leaders, officials and partners are now convening to discuss and plan for our increasing serious concerns over the question of statehood and the protection of persons affected by sea-level rise, given the increasing serious challenges posed by rising sea levels to our peoples' lives and livelihoods and the security of our communities and countries. We therefore welcome and strongly support today's milestone consensus by the General Assembly to request an advisory opinion of the International Court of Justice on the questions posed to it on climate change.

My delegation recognizes the critical importance of the mandate of the International Court of Justice. Since its establishment, the International Court of Justice has made significant contributions to the rule of law at the international level. It has a critical role to play in promoting stability, equity and the peaceful settlement of disputes. Its decisions and opinions, including its advisory opinions, have important implications for the international community, as they develop and clarify international law and strengthen the international legal system. Papua New Guinea therefore appreciates and strongly supports the work of the International Court of Justice.

Papua New Guinea notes that the advisory opinions of the International Court of Justice are not binding and that the Court has no enforcement power. However, they can have great impact. We are firmly supportive of the role of the International Court of Justice in issuing advisory opinions in accordance with its mandate. The important role of the International Court of Justice is particularly critical with regard to legal questions relating to the existential threat of climate change, by which Pacific small island developing States, including my own country of Papua New Guinea, are especially affected. An advisory opinion of the International Court of Justice on climate change could be the most authoritative statement to date of the obligations that international law imposes on States with respect to greenhouse-gas emissions. States that care about international law and international opinion will take that very seriously.

We also note that an increasing number of domestic courts around the world are considering the issue of

climate change and citing international agreements and the decisions of other countries' courts. An advisory opinion of the International Court of Justice could become the leading authority to which those domestic courts would look in framing their own decisions. Such an opinion would also be looked to by the international human rights bodies and tribunals that are considering climate change and its impacts. Going forward, we are committed to the important work in the next phase ahead of us, and to the final outcome of that process.

In conclusion, I align my delegation's remarks with those made by the representatives of the countries of the Pacific region.

Ms. Kabua (Marshall Islands): The Republic of the Marshall Islands aligns itself with the statements delivered by the representative of the Federated States of Micronesia, on behalf of the Pacific small island developing States, and by the representative of Tonga, on behalf of the Pacific Islands Forum.

The Marshall Islands is pleased to have joined as a co-sponsor of resolution 77/276 and congratulates Vanuatu and the other core group members on successfully facilitating a resolution that ultimately serves to strengthen understanding of the obligations and actions of States with regard to climate change under international law. It is important that the resolution was adopted with the strong support of the General Assembly. Even if there are reservations by some participants on the exact references or detailed terms, it is nonetheless imperative that the United Nations not shirk its wider global responsibility for enriching and engaging with international law. Such an outcome could be an important reference point and marker for future action between States. We must all look to a deeper responsibility and look past the divisions at the negotiating table. The advisory opinion is not an exercise in which the International Court of Justice will go further than where we ourselves, as Member States, have been able to reach. Without dispute and as emphasized repeatedly by the Secretary-General, global efforts are falling well short of what was agreed. The years of repetition have proved inadequate in implementing common obligations as the global community. Despite a stronger structure, ambition has repeatedly fallen short. Atoll nations such as my own are now the first to face some of the sharpest and harshest impacts of a wider global threat and crisis.

In the 1992 United Nations Framework Convention on Climate Change, States parties agreed to "prevent dangerous anthropogenic interference with the climate system". Those cannot be empty words, and they are not general terms, but that obligation in particular remains unmet, even though it serves as a driver for a stronger multilateral effort. While the international community has expanded its understanding into the Human Rights Council and its core treaties, the law of the sea and the Security Council, much more remains to be done to connect and better realize the common threads across international law.

As the Marshall Islands, we will remain as we are now on the political map under our boundaries and baselines. Even as seas rise, our Government is tirelessly committed to ensuring our right to remain, as well as the right of our youngest and future generations to live in and know our proud island nation and culture. Those are inalienable rights that cannot be denied. But the best protection of our population may demand complex outcomes and actions, locally and globally — and our pathway to achieving those is uncertain at best.

From the perspective of a low-lying atoll State and small island developing State, the current projections of sea level rise threaten to overtop our land with no higher ground. That certainly seems to be the result of the "dangerous interference" that the world is obligated to prevent. Even if it is difficult to understand further under international law what else, beyond the direct terms of international conventions, is a legal obligation, we should at least be able to comprehend that the dramatic scale of the projections for the Marshall Islands and other atoll nations ought not to happen. Everyone in this Hall today knows that such an outcome is wrong, unjust and beyond a lawful basis.

Today it is long overdue for the General Assembly to forge an opportunity to initiate strong and effective international action that may spur greater political will. We cannot afford to stay silent, no matter how complex the issue. As we look ahead to the comprehensive process of involving Member States in addressing an advisory opinion, we urge their wide and robust participation in the multilateral process. Whatever the different interpretations of law or negotiations may be, all of us Members of this organ should remind ourselves that we are all underpinned by an international rules-based order and that our collective progress must be driven by international law. We owe it to the world to spare no effort in achieving a strong and responsive

outcome. Today's adoption reminds all of us that this is exactly why the United Nations exists.

Mrs. González López (El Salvador) (*spoke in Spanish*): The Republic of El Salvador welcomed the presentation of resolution 77/276, which the General Assembly has just adopted by consensus. We consider it an important milestone in international environmental law, as well as a contribution to international efforts to fight against climate change.

My delegation recognizes that the triple planetary crisis of climate change, pollution and the loss of nature and biodiversity has many repercussions, including for the enjoyment of the human right to a clean, healthy and sustainable environment. Recognizing the importance of protecting the global climate for humankind's present and future generations, as well as the need to address its impact on our planet, is therefore of fundamental importance and should be a priority for the international community. With that in mind, El Salvador decided to become a sponsor of the resolution, in the light of our country's location in Central America's Dry Corridor, an area that is highly vulnerable to the effects of climate change and that is continually experiencing the kinds of loss and damage that mainly affect vulnerable populations.

We believe that clarifying the scope of States' obligations with regard to guaranteeing the protection of the climate system under international law, both conventional and customary, will facilitate the interpretation of how compliance with those commitments can systematically support the protection of the human rights of peoples, taking into account the various specificities of their regions. In that context, if we are to respond effectively to the adverse effects of climate change we must not forget the urgent need to scale up action and support — including through financing, capacity-building and the transfer of technology — to enhance adaptive, mitigation and resilience capacities and implement collaborative approaches.

Given the enormous benefit that the study of the legal issues raised in the resolution represents, El Salvador would like to emphasize the importance of acknowledging that the advisory opinion is not a form of judicial recourse for States, nor is it intended to be

functionally equivalent to it. It therefore represents the means by which the General Assembly and the Security Council, as well as other organs of the United Nations and those bodies specifically permitted to do so, in accordance with Article 96, paragraph 2, of the Charter of the United Nations, may seek an advisory opinion from the International Court of Justice to assist or facilitate their activities. In issuing an advisory opinion on the interpretation of the legal issues raised for consideration in the resolution, my delegation hopes that the International Court of Justice will always keep in mind the general and customary rule of the interpretation of international treaties that implies the simultaneous and joint application in good faith of the ordinary meaning of the terms used in the treaty concerned, as well as their context, object and purpose.

El Salvador also encourages the promotion of dialogue in the international court system so that the exercise of its advisory function may be carried out in a harmonized manner by providing the relevant clarifications to requests filed by States — for example, the efforts that have been promoted by the inter-American system to request an advisory opinion on climate emergency and human rights.

Finally, we express our support for the efforts of the Court in the exercise of its advisory function to provide elementary clarifications on matters of international law. However, let us not forget that the primary commitment to undertaking action-oriented measures and responding effectively to the adverse effects of climate change, as well as avoiding, minimizing and addressing loss and damage related to those effects, lies with us, the States Members of this Organization.

The Acting President: We have heard the last speaker for this meeting. I would like to thank the interpreters for extending their services to this late hour. We shall hear the remaining speakers this afternoon, immediately after the consideration of agenda item 29, entitled "The role of diamonds in fuelling conflict", at 3 p.m. in this Hall.

The General Assembly has thus concluded this stage of its consideration of agenda item 70.

The meeting rose at 1.20 p.m.

Annex 612

Joint statement on bilateral cooperation between the United Kingdom of Great Britain
and Northern Ireland and the Grand Duchy of Luxembourg 2023, 12 May 2023

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Policy paper

Joint statement on bilateral cooperation between the United Kingdom of Great Britain and Northern Ireland and the Grand Duchy of Luxembourg 2023

Published 12 May 2023

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Introduction

1. The UK and Luxembourg are close partners and allies with a shared European history. Our 2 countries share the common values of liberty and democracy. We are committed to upholding the highest international standards on the rule of law and human rights, and to promoting our shared values globally. We will strive to deepen our excellent relations inter alia in the areas of foreign policy, human rights, financial services, including climate finance, economic exchanges, mobility, and science and research cooperation. We reassert our commitment to joint working through multilateral fora including the United Nations, NATO, OSCE, Council of Europe, OECD and the IMF.
2. Our cooperation is consistent with, and also benefits from, the wider UK-EU relationship and Luxembourg's membership of the EU, and both sides see the positive development of that relationship as supportive of our bilateral efforts.
3. Together with our international partners, we stand united in condemning Russia's military aggression against Ukraine. We reiterate our support for Ukraine's sovereignty and territorial integrity within its internationally recognised borders.
4. This Joint Statement will provide a strategic framework for our cooperation, enhancing our close partnership and reaffirming our commitment to joint working on the priority areas identified.

Foreign policy, security and defence

5. Luxembourg and the UK will cooperate closely in multilateral organisations in pursuit of our shared interests and values, and our commitment to uphold the rules-based international system.
6. To uphold the security and defence of all our Allies, we will continue to work together to ensure that Russia cannot further undermine European stability. We will continue to isolate Russia on the world stage and to help Ukraine defend its territorial integrity and sovereignty, including continuing the close coordination on sanctions between the European Union (EU) and the UK. We will cooperate to support Ukraine militarily, economically, and through humanitarian assistance. We will endeavour to ensure those responsible are held to account, including through our support to the International Criminal Court, to the UK-EU-USA Atrocity Crimes Advisory Group and to international efforts to address the Crime of Aggression.
7. As committed NATO Allies, in the face of pervasive instability and rising strategic competition, we will work together to strengthen NATO's long-term defence posture, enhance its resilience and ensure that NATO continues to modernise, adapt, and maintain its technological edge enabled through the delivery of the Defence Investment Pledge. In response to efforts by malign and

hostile actors around the world, we will align our efforts in NATO to ensure the alliance adapts to the new strategic environment, including through work on cybersecurity, emerging and disruptive technologies, and countering hybrid threats, in close cooperation with the EU. We recognise that the NATO-EU strategic partnership is essential for the security and prosperity of our nations and of the Euro-Atlantic area, and that NATO's partnerships are key to helping tackle threats to the Euro-Atlantic area from the wider world. We will support partners including those most affected by Russian hostility, helping them protect their integrity, build capabilities, strengthen resilience and uphold their political independence against malign interference. We will also continue to support arms control, disarmament, and non-proliferation efforts.

Human rights

8. We will continue to cooperate at a multilateral level in order to promote and protect human rights and fundamental freedoms.

9. As members of the Media Freedom Coalition, our countries are committed to working together to protect media freedom as a cornerstone of democratic societies.

10. As members of the International Alliance on Preventing Sexual Violence in Conflict Initiative (PSVI), we are committed to taking a leading role in tackling conflict-related sexual violence (CRSV) and strengthening survivor-centred justice and accountability, including in Ukraine. We endorse the Call to Action to Ensure the Rights and Wellbeing of Children Born of Sexual Violence in Conflict. We will work to promote a survivor-centred approach to CRSV documentation in line with the Murad Code.

11. We will continue to champion equality for women and girls and marginalised people, members of the LGBT community, and persons with disabilities.

Economy and finance

12. We will continue our close cooperation on financial services, including via the close links of our finance ministries. Given the complementarity of our respective financial centres, we will explore new ways of deepening our collaboration on priority areas, specifically on financial innovation, sustainable finance, and women in finance.

13. We will deepen our economic relationship, identifying and focussing on areas of mutual interest, particularly in finance, technology and space sectors.

14. We will seek opportunities to deepen our science and research cooperation, including through organisation-to-organisation links and, as appropriate, via European research programmes. We will explore opportunities for knowledge sharing in areas of mutual interest.

Climate change and energy

15. We will continue our close cooperation on tackling climate change, building on our commitments agreed at COP26, and identifying future areas of collaboration including, but not limited to, sustainable transport, finance, defence, and renewable energy.

16. We will strengthen our dialogue on energy security and on supporting the energy transition, with a specific focus on offshore wind energy and renewables in the framework of the North Seas Energy Cooperation.

Mobility and migration

17. We will continue to support mobility between our 2 countries, including by supporting professional mobility of citizens in sectors of mutual interest such as the financial services sector, and endeavour to strengthen people-to-people links, including in respect of youth mobility.

18. Recognising the challenges facing Europe from irregular migration, we note the need for close bilateral and UK-EU cooperation, including between the UK and Frontex. We also recognise the importance of joint action to tackle the root causes and enablers of irregular migration upstream, notably in regions of shared interest.

Governance

19. At the request of either participant, this Joint Statement may be reviewed or modified by mutual consent. Any such modification will be in writing and would come into effect on a date to be decided by mutual consent. This Declaration is not legally binding and does not give rise to any rights or obligations under domestic or international law. It will come into effect on signature and will continue in operation until terminated by either Participant giving 6 months' written notice of termination to the other.

20. The Foreign Secretary of the United Kingdom and the Luxembourg Minister of Foreign and European Affairs will have overarching responsibility for this Declaration. We will hold an annual strategic dialogue to evaluate progress and

consider new areas for cooperation. Dialogues will be held at senior government official level and alternate between the UK and Luxembourg.

Signed in London on 11 May 2023 in duplicate in the English language.

James Cleverly, Secretary of State for Foreign, Commonwealth and Development Affairs of the United Kingdom of Great Britain and Northern Ireland

Jean Asselborn, Minister of Foreign and European Affairs of the Grand Duchy of Luxembourg

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Annex 613

“Unlocking Growth and Prosperity through Innovations in Climate Finance and Debt”, V20 Ministerial Dialogue XII Communiqué, 16 April 2024



**ACCRA
MARRAKECH
AGENDA**

V20 Ministerial Dialogue XII Communiqué

Unlocking Growth and Prosperity through Innovations in Climate Finance and Debt
Adopted on 16 April 2024, Washington D.C

We, the Ministers and Senior Representatives of the V20 Finance Ministers of the Climate Vulnerable Forum (CVF) from Africa, Asia, the Caribbean, Latin America, the Middle East, and the Pacific, met in Washington, D.C. United States of America on 16 April 2024, during the Spring Meetings of the International Monetary Fund (IMF) and the World Bank Group to discuss, agree, and deploy national, regional, and global strategies to unlock growth and prosperity through innovations in climate finance and debt.

As of this year, the CVF-V20 is an intergovernmental group headquartered in the Africa Trade House, Accra, Ghana. The membership spans 68 economies, representing a population of 1.74 billion people, contributing to 6.55 percent (equivalent to USD3.8 trillion) of global Gross Domestic Product (GDP). Despite V20 economies representing 21.5 percent of the global population, the V20 accounts for around four (4) percent of global greenhouse gas (GHG) emissions.

We reiterate that the widening adaptation finance gap underscores the urgency of immediate action in light of substantial and increasing climate-induced losses. The *Climate Vulnerable Economies Loss Report* estimated that V20 economies have lost approximately USD525 billion over the last 20 years (2000-2019) due to the impact of climate change on temperature and precipitation patterns. In other words, the V20 economies and their people would have been 20 percent wealthier today if not for climate change.

High levels of external sovereign debt and debt service across the V20 economies are crowding out the ability of governments to make the investments required to achieve their climate change and development goals. Not only is tighter fiscal space associated with climate vulnerability but also climate-vulnerable economies continue to face higher costs of borrowing which only fuels a vicious debt cycle where no one wins. In developing countries, the United Nations (UN) Sustainable Development Goals (SDGs) are off track with 30 percent of targets stalled or reversed and 50 percent categorised as insufficient or weak, including hunger and poverty targets. Elevated global interest rates worsen the already limited fiscal space of heavily indebted and climate-vulnerable economies. Almost all V20 countries face private sector capital market interest rates that are higher than projected growth rates for 2028. The V20's total external public and publicly guaranteed debt amounts to USD946.7 billion. External debt servicing is expected to escalate to USD122.1 billion in 2024, from USD78.6 billion five (5) years ago. V20 members are expected to pay USD904.7 billion in debt service over 2022-2030. Eight (8) countries spend over 20 percent of their tax revenue servicing external debt. Debt levels of 18 V20 countries will most likely be unsustainable if they continue to borrow at the rate they have been doing from international capital markets.

Recalling the past 11 communiqués, including the Accra-to-Marrakech Agenda (A2M), the Bridgetown Initiative, the Nairobi Declaration, the SDG Stimulus, and the international financial reform direction shared by the leaders from Africa, the V20 Finance Ministers reiterated their commitment to safeguard 1.5°C in the Paris Agreement. It is the safest and technically viable option in temperature thresholds, and also because it means all countries would have to contribute – even the smallest of members upholding equity. Otherwise, we will all fail our people. Yet, today, our ability to help win this global fight against climate change is increasingly impaired due to Nationally Determined Contributions (NDCs) that are not aligned to achieve 1.5°C by 2030. This misalignment reflects a financial architecture that does not correspond with the realities of climate change and shows a lack of political determination to utilise all available resources in the International Financial Institutions (IFIs) toolkit.

We therefore urge the G7, G21, Multilateral Financial Institutions and Development Partners to urgently deepen their engagement, collaborate, respond collectively and decisively to keep to the 1.5°C of the Paris Agreement. We insist on a fairer global system with global financial safety nets that work for the most climate-vulnerable countries by transforming the international financial architecture through:

1. Voice and Participation of Climate-Vulnerable Developing Countries

- We advocate for a stronger voice and participation of climate-vulnerable developing countries in the global financial system, which will be central to securing durable, comprehensive, and systemic reforms, especially to take forward the A2M and Bridgetown Initiative; and
- We reiterate our call to recognise the V20 as an Official Intergovernmental Group in the Bretton Woods Institutions before the IMF and World Bank Annual Meetings in October 2024. The V20 Finance Ministers have unique contextual experiences and expertise to contribute to the agendas of the International Monetary and Financial Committee (IMFC) and the joint World Bank Development Committee.

2. Cost of Capital

- We urge the international community to ensure that lower-income countries have sufficient access to concessional finance through the tripling of the World Bank's International Development Association (IDA) from USD93 billion to USD279 billion and call for a successful twenty-first round of funding (IDA21) Replenishment Summit this year;
- We call for the expansion of concessional access with new resources for climate-vulnerable countries, especially for countries with extremely poor populations and areas affected by fragility, conflict, and violence. We especially call for Small Island Developing

States (SIDS)-specific financing windows in multilateral finance with access modalities suited to the development and vulnerability context of SIDS;

- We encourage new financing for climate action to be on highly concessional terms, where the overall weighted average cost of capital does not exceed medium-term GDP growth rates, including through 25- to 50-year loans, local currency financing, first-loss capital, and guarantees;
- We reiterate our previous call for the Multilateral Development Banks (MDBs) and the Green Climate Fund (GCF) to issue local currency financing for climate projects and stress the importance of mobilizing existing and additional multilateral guarantee funds, including more concessional financing and even grants;
- We urge MDBs to create grant windows, or at the very least, highly concessional windows for adaptation and resilience;
- We encourage countries with the most traded currencies to create long-term central bank swap arrangements with specific currency covers for investments in green projects in climate-threatened countries and invite the V20 Central Bank Governors Working Group to work in close collaboration with the Task Force on Climate, Development and the IMF to actively pursue this and advance options and modalities for such central bank climate swap arrangements;
- We urge the international financial community, especially credit rating agencies and the reinsurance industry to refrain from unfair risk premiums¹, incomprehensive and inaccurate valuations of our economies that inexcusably drive up the cost of capital, and call for more accountability in these industries; and
- We reiterate our call to the IMF leadership for universal climate risk surveillance through its Article IV processes to inject objectivity into risk assessment and pricing processes.

3. Debt Exchanges for Fiscal Space and New Investment for Debt Sustainability and Climate Action

- We urge the G21 to ensure that debt solutions and the overhaul of the Common Framework include: (a) inclusive participation to involve all creditor classes and debtor

¹ Global property catastrophe reinsurance rates increased by up to 30% on January 1, 2024, for policies that had previously experienced losses. The Global Property Catastrophe Rate-on-Line (ROL) index, which is updated annually after January 1st renewals, increased by 5.4% on January 1, 2024. The index of global property catastrophe reinsurance pricing is now up by 76% since its last low in 2017 and has risen every year since then.. Source: <https://www.guycarp.com/company/news-and-events/news/press-releases/january-2024-renewals.html>
<https://www.artemis.bm/news/global-property-catastrophe-reinsurance-rate-index-2024/>

governments including middle-income countries; (b) rapid disbursement of financing as no country can afford to wait the usual 18-36 months for MDB financing; (c) affordable financing – and if it is on a case-by-case program – then each country’s funding needs to be tailored where its interest rate is lower than the projected medium-term growth rate; (d) new financing must be sufficiently substantial to trigger growth and generate more revenue for investments and the liquidity required for debt sustainability; and (e) debt relief is directly commensurate with the climate change and development investment needs;

- We reiterate the need for the IMF to “make debt work for the climate” including for their Debt Sustainability Analysis (DSA) to incorporate real climate and development investment and spending needs and the full range of climate risks, and determine what it takes for each country to achieve them, thus moving away from conventional austerity-based measures towards resource mobilization-driven prosperity approaches;
- We underscore the macro-critical nature of climate risks, especially for climate vulnerable economies, and call for enhancement of the DSA methodology to fully reflect climate risks and opportunities for growth enhancing measures, estimation of concessional finance needs, and measures to sustain inflows;
- We encourage bilateral partners and the private sector to work with the V20 on annual debt-for-climate swaps – debt relief/restructuring in exchange for new commitments to invest in green initiatives, often linked to conservation and climate action i.e., for forests management, soil conservation, ocean conservation, renewable energy, and biodiversity, among others;
- We urge the consideration of debt exchanges and/or relief in exchange for green initiatives including those outlined in our Climate Prosperity Plans (CPPs) and other climate investment plans;
- We urge all institutions to normalise Climate Resilient Debt Clauses to include some debt relief, noting that climate shocks are a common driver for nations entering debt distress;
- We encourage the G21 to begin the valuation of natural capital and biodiversity as assets on our balance sheets;
- We expect the Expert Review on Debt, Nature and Climate to consult finance ministers and ministries from climate-vulnerable economies, especially the V20; and
- We invite partners and donors to actively participate in V20-led work programs on debt solutions with member states to create fiscal space, with a view to providing substantive relief to those countries with highly unsustainable debt levels.

4. Climate Prosperity Plans for Economic Cooperation and Domestic Resource Mobilization

- We urge the international community to mobilise resources, deal teams, and green industrial policy support for CPPs as development-positive² pipelines of resilient and low-carbon-to-net-zero compatible projects, taking into account climate risk management, technology innovation, economic trade and cooperation, and new funding options;
- Recalling the 28th Session of the Conference of the Parties of the UN Climate Change Conference (UNFCCC COP28) targets of transitioning away from fossil fuels and tripling renewable energy and doubling energy efficiency by 2030, we call on the international community to support our just and equitable energy transitions through CPP country platforms with the following vital components: (a) social protection and livelihood/reskilling opportunities; (b) phase down and phase out fossil fuels with low cost and long-term financing for domestic and regional renewable energy wealth, and storage optimization; (c) legacy liabilities strategies to position countries' energy security with technologies of the future; (d) rapid grid modernization to give assurance to renewable energy investors and operators; and (e) participation and investment in transition/critical minerals and emerging technologies including processing, recycling and green hydrogen industries, among others;
- We reiterate the importance of the use of carbon finance as net-zero development finance to realise near-term investments for our CPPs. This will deliver fair-share action with returns on investment and Internationally Transferred Mitigation Outcomes (ITMOs) credited to relevant investments that sink carbon and biodiversity credits to protect nature including coral reefs, and to ensure on the guardrails necessary for environmental integrity;
- To enable progress on carbon finance, we reiterate the value in MDBs becoming carbon banks to ensure transparent carbon price discovery and macroeconomic stability with the recognition of natural capital assets, where ITMOs and biodiversity credits can be credited to debt repayments and leveraging;
- We encourage that as we build carbon transaction experience, we consider establishing a compliance carbon sink system in order to protect 1.5°C with integrity;
- Our CPPs recognise the need to mobilise investment and create incentives for structural

² Development-positive climate action establishes a particular context for our goals: (a) it recognises not only the urgency of climate action but also the primacy of realizing development outcomes for the long haul for V20 member countries; (b) the ability of climate vulnerable countries to realise their development goals and achieve climate prosperity is the true yardstick of ambition in terms of ambitious climate action; and (c) recognition that pursuing and realizing sustainable development objectives sooner and more aggressively is what spurs and accelerates durable, ambitious, transformative climate action.

transformation toward more socially inclusive, low-carbon, and climate-resilient growth paths. This will take a mix of policy incentives such as regulations and taxes, as well as mobilization of fiscal revenues and investment through national development banks and building domestic capital markets – only when the structure of economic growth changes will we break the cycle;

- We look forward to South-South economic and trade cooperation between Asia, the Pacific, Africa, the Middle East, the Caribbean, and Latin America in order to invest in green industrialization opportunities with high-quality, fully climate-adapted, correctly priced, and on-time delivery of climate-resilient development projects for more job creation and revenue generation; and
- We call on MDBs to support the development of well-regulated sustainable capital markets in order to attract long-term savings and institutional investors by earmarking funds targeted at local market development.

5. Shock-Absorbent Financial System for Social Protection, Financial Protection and Loss and Damage

- We urge the IMF to include climate resilient debt clauses into its financing programs and leverage its leadership role to encourage their wide adoption for a shock-absorbent financial system;
- We call on the international community to replenish the IMF's Catastrophe Containment and Relief Trust (CCRT), which stands today with only 124 million Special Drawing Rights (SDRs) despite being a critical toolkit of the IMF to help countries address loss and damage, and for the IMF to consider expanding eligibility for CCRT funding to include climate-vulnerable economies that are susceptible to rapid onset as well as slow onset climatic shocks;
- We urge the development of new partnerships among central banks – under the auspices of the V20 Central Bank Governors Working Group – of the most traded currencies to offer liquidity facilities, including climate contingent swap lines for climate-fueled risks and consequent losses and damages to supplement the IMF's resources;
- We urge the scaling up of resources to address loss and damage to match with current and future levels of global warming impacts and for the operationalisation of the Loss and Damage Fund under the UNFCCC, and we call on the World Bank to further support with: (a) addressing conditionality concerns (e.g., financial reporting guidelines); (b) simplifying and expediting the application and disbursement processes (e.g., through pre-approved funding mechanisms and budget support); (c) inclusive decision-making by working with regional and national institutions; and (d) keeping operational costs low to ensure countries receive the maximum funding support;

- With the increasing emphasis on loss and damage finance, we reiterate the urgent need for the Organisation for Economic Co-operation and Development (OECD) to immediately institute processes to account for global loss and damage finance flows to strengthen climate finance governance, accountability, and reporting. Specifically through a marker within the OECD Development Assistance Committee (DAC) for loss and damage finance, as stipulated in the A2M;
- We call for upscaling of the G7-V20 Global Shield against Climate Risks from USD500 million to USD1 billion by the end of 2024 in order to contribute to reducing the prevailing 98 percent financial and social protection gaps across climate-vulnerable economies. Especially through pre-arranged and trigger-based funds and anticipatory financing for predictability and enhanced risk sharing, especially through strengthening regional risk pools; and
- We call on the G7-V20 Global Shield against Climate Risks and MDBs to prioritise actions defined by the V20 Sustainable Insurance Facility (SIF) to the benefit of micro, small, and medium-sized enterprises (MSMEs) in our markets through the development of replicable template-based solutions of proven business models of MSME climate risk insurance, encouraging the local industry to trust them as viable businesses and supporting them through blended financing as needed to lower cost barriers for demand-side implementation of small unit premium programs.

6. Special Drawing Rights and the Resilience and Sustainability Trust (RST)

- We welcome the efforts of the G21 members to voluntarily rechannel part of their SDRs to create more fiscal space for climate-vulnerable countries while noting the uneven distributions of SDR allocations;
- We urge the rechanneling of SDRs to regional MDBs, in particular the African Development Bank (AfDB), Inter-American Development Bank (IADB), and the Asian Development Bank (ADB), enabling these MDBs to facilitate new borrowing of up to four (4) times the SDR value;
- We urge the IMF to consider the use of SDRs as hybrid capital for MDBs;
- We welcome the progress made by the IMF's Resilience and Sustainability Facility (RSF), supported by the Resilience and Sustainability Trust (RST) and look forward to the IMF Board's interim review of the RST;
- We underscore that an SDR rate cap remains vital to ensuring RSF concessional financing remains affordable and urge a recalibration of the cost of borrowing, with the SDR rate capped at the April 2022 level;

- We urge the IMF to remove the requirement for a concurrent IMF program to access the RSF. The RSF should be accessible to members determined to mitigate prospective balance of payment shocks by investing in climate action. Noting that IMF conditionalities emphasise fiscal consolidation as precondition which could jeopardise a country's ability to lay the groundwork for a meaningful structural transformation and for building climate resilience. IMF support is needed to facilitate a stepwise increase in mainly concessional resources in a fiscally prudent and financially sound manner; and
- We welcome steps taken by the IMF and the World Bank to enhance their collaboration on climate change, as articulated in the joint statement of the World Bank President and the IMF Managing Director. We highlight the importance of a catalytic role for the RSF which warrants intensified coordination between MDBs and other institutions in support of country platforms such as CPPs and other climate investment plans.

7. Climate Finance and 1.5°C by 2030

- We welcome the implementation of the initial Capital Adequacy Framework (CAF) measures for MDBs and reiterate our expectation for the full implementation of the recommendations contained in the G20 CAF Roadmap, including MDBs collaborating with each other on areas such as hybrid capital, callable capital, and SDRs;
- We call on MDBs to undertake capital increases to ensure that they have the resources to support the scaled-up levels of lending called for by the G20 Independent Expert Group;
- We urge the tripling of annual Official Development Assistance (ODA)-related external flows to low- and middle-income countries from 2024 to 2030 through more effective utilisation of existing capital and capacities of international financial institutions;
- We urge the G7 and high-emitting G21 countries to safeguard 1.5°C by 2030 through 2030 NDC Alignment submissions by the end of 2024, at the latest;
- We recommend that the New Collective Quantified Goal (NCQG) on climate finance focus on the composition of finance, including concessionality where public resources are utilised to ensure that the weighted average of the cost of capital is lower than the medium-term growth rate; and
- Recalling the opportunity for international carbon levies and taxes on sectors like shipping, aviation, oil, and gas in order to raise billions in climate finance, we reiterate our call for a just and equitable transition to transform these industries and adequately resource adaptation, resilience, and loss and damage efforts. We welcome the progress made towards the creation of a maritime GHG emissions pricing mechanism at the 81st meeting of the Marine Environment Protection Committee of the International Maritime

Organization, and call on all IMO members to be guided by the above V20 principles in urgently concluding these negotiations.

8. Adaptation Finance

- We call on MDBs and the Green Climate Fund to enhance access to adaptation finance for climate vulnerable countries, and to apply the Principles for Locally Led Adaptation in the provision of finance for adaptation and resilience of vulnerable countries;
- We urge MDBs to mainstream climate adaptation and resilience into all development finance deals in order to ensure long term impact and avoid maladaptation; and
- Recognising that adaptation finance flows are significantly below the scale needed, and mostly come from the public sector, we urge MDBs and the international community to support the development of incentive mechanisms and to deploy concessional finance to de-risk adaptation investments by the private sector, including those that promote local micro, small and medium-sized enterprises in vulnerable countries.

9. CVF and V20 Finance Ministers Secretariat

- Recalling our aim for an independent Secretariat for the CVF and the V20 Finance Ministers, as agreed at the 10th and 11th Ministerial Dialogue, we call on the international community to visit, engage with, and support our new intergovernmental organisation headquartered in Accra, Ghana.

10. Incoming Presidency

- We welcome and look forward to the first Caribbean Presidency of the CVF and the V20 Finance Ministers – Barbados – under the leadership of H.E, Mia Mottley, Prime Minister of Barbados.

Reference Documents

1. Climate Prosperity Plans ([link](#))
2. CVF Leaders Declaration ([link](#))
3. Accra-to-Marrakech Agenda ([link](#))
4. V20 Ministerial Dialogue X Communiqué ([link](#))
5. V20 Ministerial Dialogue IX Communiqué ([link](#))
6. V20 Ministerial Dialogue XI Communiqué ([link](#))
7. Emergency Coalition on Debt Sustainability and Climate Prosperity ([link](#))

8. Climate Vulnerability Monitor, Third Edition (CVM3) ([link](#))
9. 2nd edition of the V20 Debt Review (pending)
10. Climate Vulnerable Economies Loss Report ([link](#))
11. V20 Vision 2025 ([link](#))
12. Achieving Catalytic Impact with the Resilience and Sustainability Trust ([link](#))
13. Joint Statement of the World Bank President and the IMF Managing Director ([link](#))
14. Principles for Locally Led Adaptation ([link](#))

Formed in 2015, the V20 Finance Ministers is a dedicated cooperation initiative of economies systematically vulnerable to climate change. It is currently chaired by the Republic of Ghana. The V20 Finance Ministers membership stands at 68 economies representing some 1.74 billion people including Afghanistan, Bangladesh, Barbados, Benin, Bhutan, Burkina Faso, Cambodia, Chad, Colombia, Comoros, Costa Rica, Côte d'Ivoire, the Democratic Republic of the Congo, Dominica, Dominican Republic, Eswatini, Ethiopia, Fiji, The Gambia, Ghana, Grenada, Guatemala, Guinea, Guyana, Haiti, Honduras, Jordan*, Kenya, Kiribati, Kyrgyzstan, Lebanon, Liberia, Madagascar, Malawi, Maldives, Marshall Islands, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Pakistan, Palau, Palestine**, Papua New Guinea, Paraguay, Philippines, Rwanda, Saint Lucia, Samoa, Senegal, Sierra Leone, South Sudan, Sri Lanka, Sudan, Tanzania, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, Vanuatu, Viet Nam, and Yemen.

**Pending further discussions*

***As a UN non-member observer state*

Annex 614

*Request for Advisory Opinion OC-32 on Climate Emergency and Human Rights
presented by the Republic of Chile and the Republic of Colombia, Barbados, Oral
Statement of 23 April 2024 in response to question from Judge Ricardo Pérez
Manrique (Video excerpt from public hearing on the advisory opinion)*

Annex 615

“Bridgetown Initiative 3.0, Consultation Draft (28th May 2024)”,
Bridgetown Initiative, 28 May 2024

BRIDGETOWN INITIATIVE 3.0, CONSULTATION DRAFT (28th May 2024)

“We are living in the season of superlatives on a scorched Earth. To have any chance of reversing this trajectory, we must build a more responsive, fairer and more inclusive global financial system to fight inequalities, finance the climate transition, and accelerate the achievement of the Sustainable Development Goals.”

~ H.E. Mia Amor Mottley, Prime Minister of Barbados

The global economic and financial system continues to fail us.

At a time when only 15% of the Sustainable Development Goals (SDGs) are on track, governments in the world's poorest countries are devoting more resources to debt service than to health, education, and infrastructure combined. **In the last four years, 165 million people have fallen into poverty.**

In 2023, the global average near-surface temperature was 1.45C above the preindustrial baseline and average temperatures temporarily breached the critical 1.5C threshold. The impact is especially devastating in climate vulnerable countries, which are home to 4.5bn people, half of whom live in poverty. **This can no longer be ignored. The voices of the people can no longer be left behind.**

Tinkering at the margins of a broken system is akin to rearranging deck chairs on the Titanic. **It is time to act in solidarity for people and planet.**

* * *

Unveiled in 2022, **the Bridgetown Initiative has led a paradigm shift in the global discourse on scaling capital flows and reshaping the financing system** to achieve the SDGs and spur climate action.

Some progress has been made. The International Monetary Fund (IMF) has created the Resilience and Sustainability Trust (RST). The G20 has committed to re-channeling \$100 billion in Special Drawing Rights (SDRs). A Loss and Damage Fund was launched at COP28 with an initial \$700 million in commitments. The Inter-American Development Bank (IADB), World Bank and other official sector lenders are including natural disaster clauses across a broad range of new and existing loan agreements. The Asian Development Bank has unlocked \$100 billion of additional lending through reforms to its Capital Adequacy Framework. The African Development Bank (AfDB) is increasing lending by raising hybrid capital from private investors. The Multi-lateral Investment Guarantee Agency has committed to tripling its capacity. Currency hedging solutions and early-stage project pipeline facilities are being announced in several markets.

Still, this falls woefully short of what is required.

There is much unfinished business from Bridgetown 2.0. Global efforts to facilitate the restructuring of unsustainable debts have proven slow, passive, and insufficient. While Multi-lateral Development Bank (MDB) reforms have momentum, we are a far cry from the \$500bn a year in additional official lending that the world requires. Efforts to align private capital to sustainable development are too small scale. A more equitable governance of the International Financial Institutions remains elusive. Despite progress in expanding liquidity support, high interest rates have combined with maturing debt to create a wall of debt service over the next three years. Rather than supporting a green and just transition, our trading system is at risk of being subverted by geopolitical tensions over control of the market for green energy and transport.

We need a different way of measuring progress other than Gross National Income (GNI). **We need to rethink production and consumption patterns and trade systems**, eschewing extractive and exploitative practices in favor of those that are regenerative and equitable. **We need financing to flow to where it is required and at a sufficient scale** to meet the ambition of the SDGs, climate mitigation and adaptation without compromising debt sustainability. **We need that financing to be provided on affordable terms**, and countries to be given the **headroom to borrow**. **We need country commitment to establish frameworks that preserve debt sustainability** while scaling up spending to reduce poverty, promote inclusive and equitable growth together with climate resilient development. We need **to invest in Global Public Goods (GPGs)**—including climate resilience, fragility and conflict, pandemic prevention, renewable energy access, food security, water security, digitalization, and protecting biodiversity and nature—recognizing that our societies and economies are deeply interlinked. **We need a system that is fundamentally just, including providing funds to cover losses and damages** from shocks not of their making. **We need a viable insurance market**, as a precondition for governments, businesses and individuals to invest in assets—be that infrastructure or homes.

Small island developing states, like other low and middle-income vulnerable countries, understand this acutely. We can neither afford to choose between tackling development or climate; these are two sides of the same coin. Many of us have graduated out of concessional finance yet have only superficial market access given the unsustainable cost of today's borrowing. Our greater exposure to weather disasters prices us out of insurance, leaving us prone to endless cycles of shocks, with inadequate financing for recovery or programmes that significantly strengthen institutions and national capacity.

* * *

Closing the financing gap for people and planet.

An additional \$1.8 trillion is needed to address the climate crisis in emerging markets and developing countries and \$1.2 trillion annually to achieve the SDGs. Of this \$3 trillion, the Independent High-level Expert Group on Climate Finance estimates that \$2 trillion must come from domestic sources, and the remaining \$1 trillion from external sources. And of the external sources, half would come from public and half from private sector mobilization.

I. The rules of the game must change:

- 1) Developing countries must be given a stronger voice through better and greater representation in the governance structures of the international development finance institutions.**
- 2) The IMF and World Bank must reform the Debt Sustainability Assessment (DSA) framework, and their own financing programs, to be based on a country's plan for productive and climate adaptation investments and long-term growth potential (as reflected in an Integrated National Financing Framework).**
- 3) Alongside these reforms, Credit Rating Agencies must play their part and overhaul their methodologies to end the current systemic rating biases against small, poor and vulnerable countries, and specifically to capture longer term financial health.**
- 4) World Bank and finance providers must expand and go beyond per capita GNI as the criterion for determining eligibility for concessional financing to include climate vulnerability, natural capital and biodiversity conservation, addressing the inequity of countries being graduated on a GNI per capita basis while being among the most climate vulnerable countries globally.**
- 5) All governments must establish a carbon price taking into account the Paris principles and their level of development. Governments should further support the development of a Global Carbon Pricing Framework that is just and equitable and task the International Institutions to deliver on this.**

II. We must shock proof economies:

- 6) In a world of fragmented central bank currency swaps, the IMF must act as a liquidity provider of last resort at the center of the Global Financial Safety Net, providing financing at below market rates.**
- 7) Countries must have access to early intervention for liquidity support free from onerous conditionalities:**
 - a. With the recent approval by the IMF Board that enables SDRs to be used as hybrid capital, contributing countries must urgently deliver on their commitments to ensure the expansion of scope and scale of re-channeling SDRs through MDBs, leading with the AfDB and IADB.**
 - b. The IMF and its shareholders must achieve agreement on a new \$500bn issuance of SDRs.**
- 8) IMF must improve, and reduce the cost of, lending by allowing countries to access the Resilience and Sustainability Facility (RSF) on a stand-alone basis, overhaul surcharges and tenors for middle-income countries, and extend the Extended Fund Facility repayment period, last reformed in 1979, to match the newly-agreed RSF.**
- 9) All debtors and public and private creditors must introduce natural disaster clauses and regular principal amortizations in all lending instruments by COP29 to make public debt stocks resilient to climatic shocks and reduce refinancing risk.**

III. We must commit to dramatically increase financing:

- 10) Donor countries must replenish IDA21 by at least \$120 billion**, with significant increases in contributions from new and existing donors to maintain current grant and concessional finance levels and a view to **tripling IDA by 2030 in line with the G20 Independent Expert Group recommendation**.
- 11) MDBs must demonstrate a credible path to delivering at least \$300bn annually in affordable, longer-term—**e.g. 30-50-year—**financing** for the SDGs, including climate action.
- 12) MDBs must fully implement the G20 Capital Adequacy Framework (CAF) recommendations**, including on risk management, callable capital, portfolio guarantees and hybrid capital to significantly increase lending.
- 13) At least \$500bn annually of private capital must be mobilized and catalyzed—including in local currency—**into mitigation and adaption by **international and regional development banks** by working to remove barriers, including by scaling 10x project development support, 5x de-risking products, partnering with pioneer funding from philanthropy, and **innovating robust solutions to the growing challenge of uninsurable assets**.
- 14) New sources of finance must be secured to fund solutions to key global challenges affecting people, planet and stability:**
 - a. Countries must establish a levy on fossil fuel company windfall profits, financial transactions, and emissions on shipping and aviation to help finance GPGs, and define a governance framework for their use.
 - b. Philanthropic organizations must agree to a Global Compact through which a defined portion of their financing would go to GPGs.
- 15) Fully capitalize and effectively operationalize the Loss and Damage Fund.**

If this agenda is not showing real progress on the ground at country level by the end of 2025, then the world will have failed to address the most critical issues of our time, putting the SDGs in jeopardy. This will result in unthinkable costs to lives, livelihoods and our planet. We can and must do better.

* * *

We are launching Bridgetown 3.0 for consultation at the 4th International Conference on Small Island Developing States in Antigua on 28th May 2024. Comments are welcome by June 30th 2024 and should be sent to: bridgetown.initiative@barbados.gov.bb. The document will be finalized during July 2024, after which time we formally launch and engage with decision-makers to translate asks in to action. Progress will be shared at the Summit of the Future, United Nations General Assembly (UNGA), Annual Meetings of the IMF and World Bank, G20 and COP29 to deliver tangible outcomes at 4th International Conference on Financing for Development and COP30.

Annex 616

“‘Bridgetown Initiative 3.0’ unveiled to tackle debt, climate crises”,
Barbados Today, 29 May 2024

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LOCAL NEWS

‘Bridgetown Initiative 3.0’ unveiled to tackle debt, climate crises

written by Shanna Moore • Updated by Barbados Today • 29/05/2024 • 4 min read



From left, UN Secretary-General António Guterres, Prime Minister Mia Mottley, host Prime Minister Gaston Browne and Secretary General of UN Trade and Development Rebecca Grynspan.

ST JOHN’S – Prime Minister Mia Mottley has launched the Bridgetown Initiative 3.0 for consultation at the 4th International Conference on Small Island Developing States in the Antiguan capital. The new version marks a key moment in an international drive to address unsustainable borrowing, debt sustainability and climate-related shocks affecting small island nations.

Unveiled in 2022, the Bridgetown Initiative has sought a paradigm shift in the global discourse on scaling capital flows and reshaping the financing system to achieve the Sustainable Development Goals and spur climate action. Progress includes the creation of an International Monetary Fund Resilience and Sustainability Trust, a G-20 commitment to re-channel \$100 billion in Special Drawing Rights, the launch of a \$700 million Loss and Damage Fund, and the inclusion of natural disaster clauses by lenders like the Inter-American Development Bank.

However, Mottley said the current initiative “falls woefully short of what is required”. The third version proposes changing “the rules of the game”, better shock-proofing economies and ramping up financing.

“We have a date with destiny, and finance is not the destination. Finance is only the medium by which we achieve the resilience that we need to achieve,” Mottley said as she provided more details on the Barbados Initiative 3.0 and its potential impact during a sit-down with UN Secretary-General António Guterres, Secretary General of UN Trade and Development Rebecca Grynspan, and host Prime Minister Gaston Browne.

Mottley underscored the urgency of addressing fundamental rules issues: “We are spending so much time and energy trying to get the financial reforms up to scale that we’ve forgotten that when we get that, we still have a marathon to run with respect to procurement, feasibility studies, execution.”

Bridgetown 3.0 seeks to change rules around representation at international financial institutions and the use of per capita gross national income as a criterion for access. It also aims to shock-proof economies by scaling adaptation funding and addressing interconnected issues like climate, health and crime.

“There are a number of countries that, if they were given a shot of adrenaline, a bit of liquidity, would not find themselves needing to go into full IMF programmes or full structural transformation. And if we give them that, it will ease the pressure on all of us,” Mottley said.

“We’re not one-issue people. We can save the planet and die from the pandemic. We can save ourselves from the pandemic and die from the planet or die from crime.”

The initiative further seeks to increase overall financing volumes “not because we want to go on a spending spree but if I don’t do coastal infrastructure at the same time that I’m doing resilient housing all while making access to do your labs so you can do the public health monitoring... If you don’t do these things all at once, you’re going to be in trouble”.

An 18-month consultation will focus on securing significant funding for small islands and extending the length of IMF extended fund facilities.

A draft notes: “If this agenda is not showing real progress on the ground at country level by the end of 2025, then the world will have failed to address the most critical issues of our time, putting the SDGs in jeopardy. This will result in unthinkable costs to lives, livelihoods and our planet. We can and must do better.”

The government has set a June 30 deadline for email comments on the draft upgrade to bridgetown.initiative@barbados.gov.bb, after which it will finalise and formally launch version 3.0 in July.

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