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PROGRESSIO

Climate Change Legal Reference Guide

Water and Forestry

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Part 1: Introduction

1.1 INTRODUCTION

Over the past century, it has become increasingly accepted that water resources and forests are not only integral to sustaining the existence of life on earth, but that these resources must be responsibly and sustainably managed in order to ensure they can continue to perform their vital functions for the generations of the future. This concern has been intensified by evidence that the world's climate is changing in a way which could have catastrophic effects on water and forest resources.

This legal reference guide (the **"Guide"**) maps out some of the legislation, mainly at an international level, which has been put in place over recent decades to try to achieve this objective. Its aim is to help Progressio representatives and its partners understand the key principles underpinning international environmental law in order to assist in targeting ongoing work. We also include sources of further information at relevant points in each section.

The Guide is the culmination of the combined efforts of Progressio and Mayer Brown International LLP. Within this partnership, Progressio's policy and advocacy officers worked with their development workers to steer the project in the direction of the relevant topics, and lawyers at Mayer Brown International LLP advised on legal themes and frameworks.

1.2 INTERNATIONAL ENVIRONMENTAL LAW

International law is the body of law that governs legal relations between states or nations. This includes international agreements and treaties signed by consenting states.

Only states that are parties to a treaty are bound by it. However, a large number of states voluntarily observe treaties and abide by their provisions, even without becoming parties to them.

Protection of the environment has been one of the key features of international public law. Issues such as trans-boundary air pollution, nuclear power, the protection of endangered species and flora and fauna and the control of industrial waste are some of the key developments in international environmental law. Recently, the development of international laws to address climate change has been a focus of the international community.

In this Guide we set out some of the key international and inter-state laws on forestry and water in the context of climate change. Tables summarising the Progressio countries which have acceded to these treaties can be found at Schedule 1. We also include selected examples of national laws and voluntary initiatives addressing water and forestry in the context of climate change.

1.3 KEY PRINCIPLES OF INTERNATIONAL ENVIRONMENTAL LAW

Through the work of the international community, a number of key principles have been developed which underpin international environmental laws. These include:

- **The Precautionary Principle**: There is no uniform understanding of the meaning of the precautionary principle, although it has received widespread recognition as a principle of international environmental law. Principle 15 of the 1992 Rio Declaration on Environmental and Development (the **"Rio Declaration"**) stated that: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation".
- **Sustainable Development:** Sustainable Development has been recognised as one of the overriding principles of international environmental law. It has been described as follows: "... in promoting development, States should always be guided by the notion of 'sustainable development', propounded by many treaties and declarations. The notion tends to cover 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs...'[1]
- **The Polluter Pays Principle:** Article 16 of the Rio Declaration provides that: "national authorities should endeavour to promote internationalisation of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment".

For further information, go to: http://www.unep.org/

1.4 ENFORCING ENVIRONMENTAL LAW

Effective enforcement mechanisms are vital for ensuring the application of environmental law by individual states and the international community.

As yet, there is no international environmental court, although some groups have called for the establishment of an international environmental agency and international environmental court, similar to the International Criminal Court.

In the absence of an international environmental court, it is the responsibility of individual states and jurisdictions to ensure that environmental law is policed and enforced effectively. There is considerable variation in the extent to which this is achieved.

For further information, go to: http://www.environmentcourt.com

1 See Principles of Public International Law (6th edition), Ian Brownlie. This quotation is taken from Cassese, International Law (2001) and derived from the Report made in 1987 to the UN General Assembly by the World Commission on Environment and Development.1.5 Developing environmental policies

1.5 DEVELOPING ENVIRONMENTAL POLICIES

When the international community or individual states develop environmental policies, they tend to fall into one of the following categories:

- **Market/incentive-based or economic instruments:** These include emissions trading (see Box 2 below), environmental taxes and charges, environmental subsidies and green purchasing requirements. Examples would include the UK's Climate Change Levy – a tax on industrial and commercial energy supplies designed to encourage businesses to become more energy efficient and reduce their greenhouse gas emissions.
- **Regulations:** These can include standard-setting regulations in relation to environmental performance or outcomes and can impose specific obligations on parties, such as the operators of environmentally-intensive installations. Examples would include the UK's Renewables Obligation, a mandatory requirement for UK electricity suppliers to source a growing percentage of electricity from eligible renewable generation capacity.
- **Voluntary initiatives or self-regulation:** These can cover a wide range of initiatives, including agreements negotiated between governments and producer organisations, as well as industry initiatives. Sometimes industries enter into such arrangements to recognise general best practice or to forestall the introduction of more stringent regulation or market-based instruments. Examples would include the US Climate Action Partnership, a group of businesses and leading environmental organisations calling on the US federal government to enact strong national legislation to reduce greenhouse gas emissions.
- **Information/education-based instruments:** These can be mandatory or voluntary and are aimed at creating greater awareness on the part of the consumer, end-user or members of the general public. The EU's eco-label is an example, whereby all products bearing the recognised "Flower" symbol have been checked by independent bodies for compliance with specific ecological and performance criteria.

For further information, go to:

http://www.decc.gov.uk/en/content/cms/what_we_do/change_energy/tackling_clima/ccas/cc_levy/cc_levy.aspx

http://www.ofgem.gov.uk/Sustainability/Environment/RenewablObl/Pages/RenewablObl.aspx

http://www.us-cap.org/

http://ec.europa.eu/environment/ecolabel/

1.6 YOUR RIGHT TO BE INVOLVED

Governments increasingly recognise that environmental legislation will only be effective if individuals have a formal right to obtain environmental information and are empowered to participate in environmental decision-making, where necessary.

In some jurisdictions, legislation has been passed to help ensure that the public has access to environmental information and participation in relevant decision-making processes. The UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, adopted on 25 June 1998 (the **"Aarhus Convention"**) is an important example.

As a result of the Aarhus Convention, in most European jurisdictions, members of the public now have a statutory right to access significant amounts of environmental information held by public authorities. Sometimes, this can extend to any organisation or person carrying out a public administration function or which has environmental responsibilities. These can include some private companies or public private partnerships, for example companies involved in energy, water, waste and transport.

For further information, go to: http://www.unece.org/env/pp/

Part 2: Climate Change legislation

2.1 INTERNATIONAL CLIMATE CHANGE LAW

Although the international community has recognised that "climate change presents very serious global risks, and it demands an urgent global response"[2], many legal initiatives in the area of climate change are still in their infancy. There is also little consensus within the international community on the steps which should be taken to address climate change.

In recent years, the key developments in climate change law have been under the auspices of the UN Framework Convention on Climate Change (**"UNFCCC"**) and the Kyoto Protocol (see below).

On 7-18 December 2009, over 190 countries met in Copenhagen to negotiate a new international climate change agreement that it was hoped would be in force when the first commitment period of the Kyoto Protocol expires at the end of 2012. The Copenhagen Conference is also known as "COP 15", the 15th meeting of the Conference of the Parties to the UNFCCC (**"COP"**).

COP 16 will be held in November-December 2010 in Mexico and COP 17 is expected to be held in South Africa in 2011.

2.2 UN FRAMEWORK CONVENTION ON CLIMATE CHANGE

The UNFCCC entered into force on 21 March 1994. It sets an overall framework for inter-governmental efforts to tackle climate change, recognising that the climate system is a shared resource whose stability can be affected by industrial and other emissions of carbon dioxide and other greenhouse gases.

Under the UNFCCC, governments agreed to:

- gather and share information on greenhouse gas emissions, national policies and best practices;
- launch national strategies for addressing greenhouse gas emissions and adapting to expected impacts, including the provision of financial and technological support to developing countries;
- co-operate in preparing for adaptation to the impacts of climate change.

The UNFCCC contains some explicit references to water and forestry, although one of the criticisms of both the UNFCCC and the Kyoto Protocol (see below) is that these provisions have not gone far enough. These include the following:

- The parties agree to promote and co-operate in the development, application and diffusion of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases, including in the energy, transport, industry, agriculture, forestry and waste management sectors.

2. STERN REVIEW: The Economics of Climate Change, published October 2006. For online version, go to: http://www.hm-treasury.gov.uk/sternreview_index.htm.

- The parties agree to promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems.
- The parties agree to co-operate in preparing for adaptation to the impacts of climate change, as well as to develop and elaborate appropriate and integrated plans for coastal zone management, water resources and agriculture, and for the protection and rehabilitation of areas, particularly in Africa, affected by drought and desertification, as well as floods.

For further information, go to: http://unfccc.int/2860.php

2.3 KYOTO PROTOCOL

The Kyoto Protocol is an international agreement linked to the UNFCCC. The major feature of the Kyoto Protocol is that it set binding targets for 37 industrialised countries and the European community for reducing greenhouse gas emissions. These amount to an average of 5 per cent against 1990 levels over the five-year period 2008-2012.

The Kyoto Protocol was adopted on 11 December 1997 and entered into force on 16 February 2005. As of September 2010, 189 states had signed and ratified the Kyoto Protocol. The most notable non-member was the United States, which is a signatory to the UNFCCC.

One of the major distinctions between the Kyoto Protocol and the UNFCCC is that while the UNFCCC encouraged industrialised countries to stabilise greenhouse gas emissions, the Kyoto Protocol commits them to doing so.

Recognising that developed countries are principally responsible for the current high levels of greenhouse gas emissions in the atmosphere as a result of more than 150 years of industrial activity, the Kyoto Protocol places a heavier burden on developed nations under the principle of "common but differentiated responsibilities".

In a similar way to the UNFCCC, there are a number of provisions of the Kyoto Protocol which refer to water and forestry issues. These include the following:

- The parties are called upon to implement and/or further elaborate policies and measures in accordance with its national circumstances. These include the "protection and enhancement of sinks and reservoirs of greenhouse gases" and the "promotion of sustainable forest management practices, afforestation and reforestation".
- The Kyoto Protocol states that "the net changes in greenhouse gas emissions by sources and removals by sinks resulting from direct human-induced land-use change and forestry activities limited to afforestation, reforestation and deforestation since 1990, measured as verifiable changes in carbon stocks in each commitment period, shall be used to meet commitments under the Protocol". Some have argued that, by restricting the accounting to afforestation, reforestation and deforestation activities since 1990, only a very small percentage of the world's forests are covered by this provision.

- The Kyoto Protocol allows countries to account for carbon stock changes and non-CO_2 greenhouse gas emissions arising from other activities including the management of forests existing before 1990. It also provides that the magnitude of any carbon sequestration due to human intervention must be verifiable and places restrictions on the extent to which carbon sequestration of this kind can be claimed. Details of how this would be monitored and reported are currently being elaborated by the Intergovernmental Panel on Climate Change (**"IPCC"**).
- The Kyoto Protocol calls on parties to formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change and measures to facilitate adequate adaptation to climate change. Such programmes would, inter alia, concern the energy, transport and industry sectors as well as agriculture, forestry and waste management.

Three key market mechanisms were also established under the Kyoto Protocol:

- Emissions trading – known as "the carbon market" (see Box 2).
- Clean Development Mechanism (**"CDM"**) (see Box 3).
- Joint implementation (**"JI"**) (see Box 4).

The mechanisms aim to help stimulate green investment and help the parties meet their emission targets in a cost-effective way.

2.4 THE COPENHAGEN ACCORD

The origins of the Copenhagen Accord can be found in the COP 13 held in Bali in December 2007. The conference produced the Bali Action Plan (**"BAP"**) – a road map designed to culminate in the adoption of an agreed long-term climate change regime at COP 15 in Copenhagen two years later.

The strategy of the BAP intended sustained implementation of the UNFCCC through long-term cooperative action between nations. It was implemented by a new subsidiary body of the UNFCCC called the Ad-hoc Working Group on Long-term Co-operative Action (**"AWG-LCA"**) that was charged with reporting on its work at COP15. The main issues addressed by AWG-LCA in order to implement the BAP were climate change mitigation and adaption, technological development and the provision of financial resources.

Further information about the BAP can be found at: http://unfccc.int/resource/docs/2007/cop13/eng/06a01.pdf#page=3

Despite the work carried out under the BAP, the Copenhagen COP still failed to seal a new treaty for regulating climate change for when the first commitment period of the Kyoto Protocol runs out in 2012.

Box 1: What is the Copenhagen Accord?

The Copenhagen Accord was issued on 19 December 2009. It is a three-page document setting out the very limited outcome of the negotiations at the Copenhagen COP. It was proposed by an alliance of the US with four of the major emerging economies (China, Brazil, India and South Africa), and was pushed through in the closing minutes of the conference, despite opposition by a number of developing countries. The Copenhagen Accord was only 'noted' by the COP and is therefore not an official COP decision.

For further information, go to: http://unfccc.int/files/meetings/cop_15/application/pdf/cop15_cph_auv.pdf

Although modest, the Copenhagen Accord did set out some ambitions, including that by 31 January 2010 developed countries would have pledged quantified emissions cuts and developing countries would have set out their proposed climate change mitigation measures. Despite the fact that Yvo de Boer, the then UNFCCC Executive Secretary regarded the 31 January deadline as "flexible", 55 countries have so far responded to the call for pledges. However, the pledges made fall well short of what is needed to potentially keep the global temperature rise below 2ºC. De Boer admitted that the pledges made by all countries will not stop the growth of emissions in the next ten years.

Details of the headline pledges relating to reduction in carbon emissions under the Copenhagen Accord made by both Annex I countries (developed countries) and non-Annex I countries (principally developing countries) can be found at: http://unfccc.int/home/items/5262.php.

Other points to note from the Copenhagen Accord include:

- Deforestation and REDD+: the parties recognise that reducing emissions from deforestation is crucial, and that an incentives mechanism is needed immediately. However, there is no detail or timetable on achieving this.
- Financing: developed countries will provide "new and additional" funds to help mitigation and adaptation in developing countries. The Copenhagen Accord sets out figures of:
  - up to $30 billion for the period 2010-2012, which will be balanced between adaptation and mitigation actions;
  - increasing to $100 billion by 2020, provided that mitigation is "meaningful" and implementation is "transparent".
- Copenhagen Green Climate Fund: this new fund will be established for some of the funds to flow through for mitigation projects in developing countries.

For further information, go to: http://unfccc.int/meetings/cop_15/items/5257.php

Box 2: What is emissions trading?

A number of governments have adopted emissions trading schemes as a way of controlling and reducing emissions of carbon dioxide and other greenhouse gases. These schemes are sometimes also referred to as "carbon trading" or "carbon markets".

Emissions trading schemes generally operate on a "cap and trade" basis. The government (or other relevant authority) sets an overall limit (cap) on the amount of greenhouse gases particular industries and businesses are allowed to emit each year.

Companies within the relevant sectors are then allocated a certain number of allowances each year. An allowance generally represents the right to emit one tonne of carbon dioxide (or carbon-dioxide equivalent) into the atmosphere.

A company that emits less than its annual allowances can either sell its surplus on the market or "bank" it for use the following year. A company that emits more than its allowances will have to purchase additional allowances from another company that has a surplus.

At the end of a trading period, each company needs to demonstrate to a regulator that it holds sufficient allowances to cover the amount of carbon dioxide and other greenhouse gases it has emitted that year. Failure to demonstrate this will usually result in the company having to pay a fine.

The principal objective of emissions trading schemes is to encourage the reduction of emissions by putting a "price on carbon". Put in very simplistic terms, it is about making sure that if you are going to emit carbon dioxide then you should pay for the right to do so, thus turning the right to emit carbon dioxide into a commodity.

Set out below are some examples of the main emissions trading schemes and where you can find further information about them:

- The EU Emissions Trading Scheme.
- The forthcoming UK Carbon Reduction Commitment.
- Trading of credits generated by Clean Development Mechanism and Joint Implementation projects under the Kyoto Protocol.
- Trading of credits under emissions trading schemes in other countries and regions, such the Chicago Climate Exchange and New Zealand emissions trading scheme.

For further information on some of the important emissions trading schemes, go to:

http://ec.europa.eu/environment/climat/emission/index_en.htm

http://www.environment-agency.gov.uk/business/topics/pollution/105756.aspx

http://www.chicagoclimateexchange.com/

http://www.climatechange.govt.nz/index.html

Box 3: What is the Clean Development Mechanism?

The CDM allows emission-reduction (or emission removal) projects in developing countries to earn certified emission reduction credits (**"CERs"**), each equivalent to one tonne of CO2. These CERs can be traded and sold, and used by industrialised countries to meet a part of their emission reduction targets under the Kyoto Protocol.

The CDM aims to stimulate sustainable development and emission reductions, while giving industrialised countries some flexibility in how they meet their emission reduction limitation targets.

Each CDM project must qualify through a rigorous registration process designed to ensure real, measurable and verifiable emission reductions that are additional to what would have occurred without the project. The mechanism is overseen by the CDM Executive Board, answerable ultimately to the countries that have ratified the Kyoto Protocol.

For further information, go to: http://cdm.unfccc.int/index.html

Box 4: What is Joint Implementation?

JI allows industrialised nations (or companies within them) with a Kyoto target to undertake projects in countries that are in transition to a market economy, in order to reduce greenhouse gas emissions. Such projects are then credited with "Emissions Reduction Units" (**"ERUs"**) equal to that emission reduction from the host nation to the person or government providing the investment. As with CDM projects, governments can use ERUs to meet their Kyoto targets and they can also be used to meet allocations under the EU Emissions Trading Scheme.

There are two different procedures for JI, depending on the host country's eligibility requirements. These are commonly referred to as "Track 1" and "Track 2". Track 1 is subject to supervision by the host country. Track 2 is subject to international supervision by the Supervisory Committee for JI.

In all cases JI projects must demonstrate that emissions reductions are additional to that which would otherwise occur in a business-as-usual scenario.

For further information, go to: http://ji.unfccc.int/Eligibility/index.html

Part 3: Water and Climate Change

International environmental law regulates the use and protection of oceans, seas, rivers, lakes, drainage basins (both surface and underground) and other watercourses which are shared between one or more countries.

The UN has played a key role in developing modern, international water law. According to UN estimates, over the last 60 years there have been more than 200 international water agreements. Set out below are some of the main international water treaties and initiatives which affect water and climate change, as well as protection of water as a vital resource.

At regional and state level, there are also numerous examples of water legislation. We provide some key examples of regional laws addressing water and climate change issues, as well as some important voluntary initiatives and guidelines.

3.1 UN ENVIRONMENT PROGRAMME

The UN Conference on the Human Environment held in Stockholm in 1972 is one of the key points in the development of modern, international environmental and water law. It gave rise to the UN Environment Programme (**"UNEP"**) and the development of *"common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment".*[3]

A number of recommendations were adopted at the Stockholm Conference concerning pollution (including maritime pollution) of international significance. These included that governments should:

"be mindful of activities in which there is an appreciable risk of effects on climate, and to this end:

(a) carefully evaluate the likelihood and magnitude of climatic effects and disseminate their findings to the maximum extent feasible before embarking on such activities;

(b) consult fully other interested States when activities carrying a risk of such effects are being contemplated or implemented."

Since that time, UNEP has further developed its work in international environmental and water law. Further information can be found at: http://www.unep.org.

Some important examples in relation to the protection of water resources include:

- **The UN Water Conference at Mar el Plata in March 1977:** At this conference, the UN affirmed the importance of national and international water law and the need for states to set up an appropriate institutional framework to secure the efficient planning and use of water.

3 Declaration of the United Nations Conference on the Human Environment.

– **International Conference on Water and the Environment at Dublin in 1992**: The conference recognised that "scarcity and misuse of fresh water pose a serious and growing threat to sustainable development and protection of the environment. Human health and welfare, food security, industrial development and the ecosystems on which they depend, are all at risk, unless water and land resources are managed more effectively in the present decade and beyond than they have been in the past".[4] The Conference also called for concerted action at local, national and international levels to reverse the trends of over-consumption, pollution, and rising threats from drought and floods. It proposed four guiding principles for future action (see Box 5).

Box 5: The Dublin Statement

Principle No. 1: Fresh water is a finite and vulnerable resource, essential to sustain life, development and the environment.

Principle No. 2: Water development and management should be based on a participatory approach, involving users, planners and policy-makers at all levels.

Principle No. 3: Women play a central part in the provision, management and safeguarding of water.

Principle No. 4: Water has an economic value in all its competing uses and should be recognized as an economic good.

– **UN Conference on Environment and Development at Rio de Janeiro in 1992 – the Earth Summit**: The Earth Summit was unprecedented for a UN Conference in terms of both its size and the scope of its concerns. Through the Earth Summit, the UN sought to help Governments rethink economic development and find ways to halt the destruction of irreplaceable natural resources and pollution of the planet. The Earth Summit led to the adoption of Agenda 21 (see Box 7 below), a wide-ranging blueprint for action to achieve sustainable development worldwide and the Rio Declaration on Environment and Development. Critically, the Earth Summit approved the UN Framework Convention on Climate Change (see section 2.3 above). The Rio+20 Conference on sustainable development is due to take place in 2012. The UN has made it clear that this will not be a mere commemorative conference. Rather, it will renew the political commitment to sustainable development, identify gaps in implementation and address new emerging challenges, such as the preservation of water resources.

– **International Conference on Freshwater in Bonn in December 2001:** This conference was held in close co-operation with the UN and recognised that safe and sufficient water and sanitation are basic human needs. A key focus of the conference was to identify strategies for achieving the UN Millennium Assembly development target of halving the proportion of people unable to reach safe drinking water by 2015. It came up with a number of

4 The Dublin Statement on Water and Sustainable Development.

recommendations for action under three main headings: governance management and partnerships; mobilisation of financial resources; and capacity building and knowledge sharing. The conference also recognised the need for increased political awareness as well as public awareness and highlighted the issues it considered were most in need of political attention, which became known as the "Bonn Keys" (see box 6 below).

Box 6: The Bonn Keys

1. Meeting the water security needs of the poor to achieve UN Millenium Assembly target.
2. The decentralisation of the power and means of water management to local authorities.
3. The organisation of communities to find innovative solutions to water management issues.
4. The integration of water resource management with co-operative arrangements within river basins.
5. Stronger and better performing governance arrangements with national water management strategies and effective regulatory framework.

- **UN General Assembly Resolution recognising access to clean water, sanitation as a human right - 28 July 2010**: This resolution was adopted by the General Assembly with 122 nations in favour and none against, with 41 abstentions. It calls on states and international organisations to provide financial resources, build capacity and transfer technology (particularly in developing countries) to provide safe water for all. The resolution was introduced amid concerns that 884 million people are without safe drinking water and about 2.6 billion (amounting to 40% of the world's population) do not have access to basic sanitation. Many of the abstaining nations were conscious that the resolution may undermine the work of the Human Rights Council in Geneva on this issue (called the **"Geneva Process"**) as well as the fact that the legal implications of such a right had not previously been considered by the Assembly or by the Geneva Process.

The declarations and resolutions emanating from the UN have had considerable influence in developing international water law, as well as country-specific legislation and policy.

Box 7: What impact did Agenda 21 have on water use?

Agenda 21 recognises some of the important connections between water and climate change.

Chapter 17 deals with the protection of the oceans, all kinds of seas, and coastal areas and the protection, rational use and development of their living resources. It called for a wide-ranging programme of research to address "critical uncertainties for the management of the marine environment and climate change".

Chapter 18 deals with the protection of the quality and supply of freshwater resources. It calls for the application of integrated approaches to the development, management and use of water resources. Recognising that *"global climate change and atmospheric pollution could also have an impact on freshwater resources and their availability and, through sea-level rise, threaten low-lying coastal areas and small island ecosystems"*, it outlined a programme of work with the following objectives:

- to understand and quantify the threat of the impact of climate change on freshwater resources;
- to facilitate the implementation of effective national countermeasures, as and when the threatening impact is seen as sufficiently confirmed to justify such action;
- to study the potential impacts of climate change on areas prone to droughts and floods.

For further information, please go to http://www.un.org/esa/dsd/agenda21/.

3.2 UN WATERCOURSES CONVENTION

One of the principal UN treaties dealing specifically with the issue of shared watercourses is the Convention on the Law of the Non-Navigational Uses of International Watercourses 1997 (the **"UN Watercourses Convention"**).

After nearly 30 years of extensive preparatory work, the UN Watercourses Convention was hailed as a major breakthrough in the evolution of international water law. It was adopted by a large majority at the UN General Assembly but, over 10 years since its adoption, it has still not entered into force (see Box 8 below).

The UN Watercourses Convention is a framework convention, in the sense that it provides a set of principles and rules that may be applied and adjusted to suit the characteristics of particular international watercourses. It is intended to serve as a flexible, overarching global framework to inform and foster trans-boundary water co-operation.

The principle that is widely regarded as the cornerstone of the UN Watercourse Convention is that of "equitable and reasonable utilisation and participation". This requires that a state sharing an international watercourse with other states should use the watercourse in its territory in a manner that is equitable and reasonable vis-à-vis the other states sharing it.

In ensuring that their utilization of an international watercourse is equitable and reasonable, states are required to take into account all relevant factors and circumstances including *"climatic"* factors. So the UN Watercourses Convention could, potentially, have a significant impact in the area of climate change (see Box 9 below).

The UN Watercourses Convention contains a range of other provisions in relation to the protection and preservation of ecosystems, the prevention, reduction and control of pollution and the management of international watercourses.

Box 8: Why has the UN Watercourse Convention proved so controversial?

One of the most controversial provisions is the requirement on states to "take all appropriate measures to prevent the causing of significant harm" to other states sharing an international watercourse. Some "upstream" states have argued that they will be adversely affected by this obligation since their activities are more likely to have an effect on "downstream" states.

Other states feel that the Convention may lead to a loss of sovereignty and decision-making power in relation to their water resources.

Box 9: Could the UN Watercourse Convention help combat climate change?

Some NGOs and campaign groups have recognised that the UN Watercourses Convention provides an unprecedented opportunity to ensure that states respond co-operatively to threats such as climate change. WWF, for example, has spearheaded a campaign to have the Convention fully ratified by 2011. It notes that:

"neighbouring states have a responsibility to protect trans-boundary freshwater ecosystems and to work together to manage them in a sustainable and integrated manner, in order to avoid conflict, respond co-operatively to threats such as climate change, and share fairly the related costs and benefits".

For further information, please go to: http://www.unece.org/env/water/.

3.3 RAMSAR CONVENTION

The Convention on Wetlands of International Importance (the **"Ramsar Convention"**), is an inter-governmental treaty that provides the framework for national action and international cooperation for the conservation and use of wetlands and their resources.

Negotiated through the 1960s by countries and non-governmental organisations that were concerned at the increasing loss and degradation of wetland habitat for migratory water birds, the treaty was adopted in the Iranian city of Ramsar in 1971 and came into force in 1975. It is the only global environmental treaty that deals with a particular ecosystem.

The Ramsar Convention's mission is *"the conservation and wise use of all wetlands through local and national actions and international cooperation, as a contribution towards achieving sustainable development"*. Its three central pillars are:

- the "wise use" of wetlands (see Box 10 below);
- the identification, designation and management of the List of Wetlands of International Importance (the **"Ramsar List"**); and
- international co-operation in the delivery of wetland conservation and wise use.

The Convention covers a broad variety of wetland areas, including lakes and rivers, swamps and marshes, wet grasslands and peat lands, oases, estuaries, deltas and tidal flats, near-shore marine areas, mangroves and coral reefs, as well as human-made sites such as fish ponds, rice paddies, reservoirs, and salt pans. The designated Ramsar sites include a number of forest areas.

There is also a joint programme of work with the IPCC on the relationships between wetlands and climate change.

Further information can be found at: http://www.ramsar.org/cda/ramsar/display/main/main.jsp?zn=ramsar&cp=1&7715_4000_0

Box 10: Understanding the "wise use" concept

At the centre of the Ramsar Convention's philosophy is the "wise use" concept. The wise use of wetlands is defined as:

"the maintenance of their ecological character, achieved through the implementation of ecosystem approaches, within the context of sustainable development".

Through the concept of wise use, which was considered pioneering when the Ramsar Convention was drafted, the Convention aims to emphasise that human use on a sustainable basis is compatible with Ramsar principles and wetland conservation in general. Wise use applies to all wetlands and water resources in a contracting party's territory, not only to those sites designated as Wetlands of International Importance.

Guidelines have been developed to help contracting parties implement the wise use concept by:

- adopting national wetland policies;
- developing programmes of wetland inventory, monitoring, research, training, education and public awareness; and
- developing integrated management plans covering every aspect of the designated wetlands and their relationships with their catchments.

The guidelines also emphasise the benefits and values of wetlands for the maintenance of water quality and climatic stability, among other things.

3.4 UN CONVENTION TO COMBAT DESERTIFICATION

Please see section 4.7 below for more information on the UN Convention to Combat Desertification.

3.5 UN CONVENTION ON THE LAW OF THE SEA 1982

The UN Convention on the Law of the Sea (**"UNCLOS"**) sets out a comprehensive regime of law and order for the world's oceans and seas. In the Earth Summit, the UN recognised that UNCLOS *"provides the international basis upon which to pursue the protection and sustainable development of the marine and coastal environment and its resources".*[5]

One of the ways in which UNCLOS has recently been used to help address the threat of climate change is in relation to offshore carbon capture and storage (see Box 11 below). CCS technology is in its infancy and the legal framework surrounding its use is currently being developed.

5 Agenda 21, Chapter 17.

Box 11: What is Carbon Capture and Storage?

Carbon Capture and Storage ("CCS") involves capturing CO2, either before or after combustion, in coal and gas-fired power stations and then storing it in onshore or offshore underground storage sites, such as depleted oil and gas fields in the North Sea. Although the technology is still in its infancy, it is thought that CCS has the potential to reduce carbon dioxide emissions from power plants by up to 90%. This would enable coal and gas-fired power plants to continue to be used with substantially reduced CO2 emissions.

UNCLOS includes provisions requiring States to take measures to prevent the pollution of the marine environment by 'dumping'. The legal framework which has been established around this provision consists of several treaties and agreements. At a global level, these include the anti-pollution measures contained in the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (the **"London Convention"**).

A Protocol to the London Convention was adopted in 1996 (the **"1996 Protocol"**) which includes even more restrictive measures regarding 'dumping' at sea. These include a permit must be obtained in order to dump certain materials or substances.

In 2007, Australia, co-sponsored by France, Norway and the United Kingdom, submitted proposals to amend certain provisions of the 1996 Protocol in order to allow the storage of CO_2 in sub-seabed geological formations, subject to a permitting regime being developed at state level. The new provisions provide a basis for the regulation of CO_2 sequestration below the seabed.

The 1996 Protocol also provides that contracting parties shall not *"allow the export of wastes or other matter to other countries for dumping or incineration at sea"*. For CCS activities to be successful, trans-boundary transport of CO_2 will be essential in order to reach suitable storage sites. Proposals for a further amendment to allow for trans-boundary movement of CO_2 are currently under consideration.

A number of jurisdictions (including the UK and EU) are already developing specific legislation to address CCS at state level.

Further information can be found at: http://www.un.org/Depts/los/convention_agreements/convention_overview_convention.htm

3.6 REGIONAL INITIATIVES

3.6.1 Convention on the Protection and Use of Trans-boundary Watercourses and International Lakes 1992 (the "Helsinki Convention")

The Helsinki Convention is a landmark agreement, adopted by the UN Economic Commission for Europe (**"UNECE"**) in Helsinki in 1992. UNECE is a forum for governments from Europe, North America, Central Asia and Israel to study the economic, environmental and technological problems in these regions.

The Helsinki Convention has served as a model for other international water laws, such as the UN Watercourses Convention (see section 3.2 above), the EU's Water Framework Directive (see section 3.6.3 below) and the Revised Protocol on Shared Watercourses of the Southern African Development Community (see section 3.6.2 below). Its aim is to strengthen local, national and regional measures within the UNECE region to protect and ensure the quantity, quality and sustainable use of trans-boundary water resources.

The Helsinki Convention takes a holistic approach based on the understanding that water resources play an integral part in ecosystems as well as in human societies and economies. Its commitment to integrated water resources management replaces an earlier focus on localised sources of pollution and management of separate components of the ecosystem.

The Helsinki Convention requires contracting parties to manage their shared waters in a reasonable and equitable manner using the ecosystem approach and guided by the precautionary principle and the 'polluter pays' principle. It also embodies the principle of inter-generational equity. For further information on the principles underpinning the Helsinki Convention, see Box 12 below.

Box 12: Understanding the principles underpinning the Helsinki Convention

- The precautionary principle. This means that action to avoid the potential impact of the release of hazardous substances it not to be postponed on the grounds that scientific research has not fully proved a causal link between those substances and their potential impact.
- The polluter pays principle. This is an environmental policy principle which requires that the costs of pollution be borne by those who cause it. It is a generally recognised principle of modern, international environmental law.
- The ecosystem approach. The ecosystem approach is considered one of the most important principles of sustainable environmental management. It requires the consideration of the effects of actions on every element of an ecosystem, based on the recognition that all elements of an ecosystem are linked.
- Inter-generational equity. The principle of inter-generational equity means that water resources are to be managed so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs.

One of the Helsinki Convention's key aims is to foster dialogue concerning water use. In the Ukraine, for example, this had led to discussions aimed at strengthening the capacity of water management authorities to cope with climate change and variability while maintaining safe drinking water supply and adequate sanitation.

In 2003, the Helsinki Convention was amended to allow accession by countries outside the UNECE region. This could be important for countries bordering the UNECE region, such as Afghanistan, China and the Islamic Republic of Iran.

The Helsinki Convention is also important in that it integrates a range of new concepts and ideas, such as adaptation to climate change (see Box 12 above).

Box 13: Adapting to climate change – the role of the Helsinki Convention

UNECE has recognised the importance of water resources in relation to the international community's ongoing work to combat climate change:

"climate change is already affecting ecosystems in the UNECE region. Floods, droughts, water scarcity and fires are increasing in number and severity. Water supplies are being threatened and wildlife habitats altered or destroyed. While hopeful attempts to reverse climate trends are under way, adaptation may be the only practical recourse. However, very few countries have developed adaptation strategies, and those that exist are limited to the national level. There are essentially none for trans-boundary basins."

The Guidance on Water and Adaptation to Climate Change developed under the Helsinki Convention includes ways to assess climate impacts, mitigate floods and droughts through integrated water resource management and appropriate trans-boundary co-operation, and adjust policies and strategies related to trans-boundary water management.

Source: The Water Convention ... at your service (UNECE).

For further information, go to: http://www.unece.org/env/water/.

3.6.2 Revised Protocol on Shared Watercourses in the Southern African Development Community of 7 August 2000

The Revised Protocol on Shared Watercourses in the Southern African Development Community is based on the Helsinki Convention (see section 3.6.1 above). It recognises that states lying within the basin of a shared watercourse system should maintain a proper balance between resource development for a higher standard of living for their peoples and conservation and enhancement of the environment to promote sustainable development.

States acceding to the Revised Protocol include Angola, Botswana, Democratic Republic of the Congo, Lesotho, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, Tanzania, Zambia and Zimbabwe.

3.6.3 European Union initiatives

The European Community has been active in developing law on water resources applicable to European member states. The Water Framework Directive (2000/60/EC) (**"WFD"**) is a key example.

The WFD is the most substantial piece of European water legislation to date and is designed to improve and integrate the way water is managed throughout the EU. Its overall aim is to establish an integrated framework for the management of inland and coastal waters across the EU so that issues such as the availability of water and maintenance of water quality are considered as a whole.

The WFD applies to all surface freshwater bodies (including lakes, streams and rivers), groundwater, estuaries and coastal water up to one mile from low-water. It is based on River Basin Districts, which are the natural geographical and hydrological unit, instead of according to administrative or political boundaries.

The WFD requires EU Member States to aim to reach *"good chemical and ecological status"* in inland and coastal waters by 2015.

Each Member State must produce integrated River Basin Management Plans, which set out its approach in relation to the protection of the aquatic environment. The target for publication of the first River Basin Management Plans was December 2009.

On 1 April 2009 the European Commission published a White Paper on Climate Change Adaption[6]. The White Paper notes that climate change will lead to significant economic and social impacts with some regions and sectors likely to bear greater adverse affects. It stresses the vital role of the WFD in helping EU member states to adapt to climate change. The River Basin Management Plans are expected to take into account the impacts of climate change and the next generation of plans (due in 2015) *"should be fully climate-proofed"*.

6. Climate Change Adaption: Towards a European framework for action (COM(2009) 147 final.

The WFD also requires policies to be put in place that provide adequate incentives for users to use water resources efficiently by 2010. For an example of how the UK water industry is beginning to develop market mechanisms to reflect the true environmental price of water, please refer to paragraph 3.7.2.

Further information can be found at: http://ec.europa.eu/environment/water/water-framework/index_en.html.

European seas are also protected by a number of regional sea conventions, such as:

- Convention for the Protection of the Marine Environment in the North-East Atlantic of 1992 (the "**OSPAR Convention"**).
- Convention on the Protection of the Marine Environment in the Baltic Sea Area of 1992 (the **"HELCOM Convention"**).
- Convention for the Protection of Marine Environment and the Coastal Region of the Mediterranean of 1995 (the **"Barcelona Convention"**).
- Convention for the Protection of the Black Sea of 1992 (the **"Bucharest Convention"**).

3.6.4 Initiatives in Latin America

There have been some recent developments affecting water legislation in Latin America. Examples include the following:

- Ecuador has recently implemented a new Constitution which includes water as a human right. This development could have significant implications for future application of its national water services and supporting legislation. For example, a proposed new water law has been met with a significant amount of opposition, particularly among indigenous organisations who are concerned that it fails to ensure their direct participation in water resource management. They are also worried that it would not protect supplies from industrial activities.
- In August 2009, Honduras approved legislation on water in relation to bio-diversity and elements relevant to water conservation/management.

3.7 VOLUNTARY INITIATIVES AND GUIDELINES

Another important source of water policy is voluntary initiatives and guidelines. These come from many sources and have been developed by governments and regulators with the input of NGOs and public interest organisations in some cases. Although such initiatives and guidelines are generally not legally binding in a technical sense, they may still be considered as authoritative documents and will often influence regulators and courts in how they interpret the law.

We set out some examples below:

3.7.1 The CEO Water Mandate

The CEO Water Mandate was launched in July 2007 as part of the UN's voluntary corporate social responsibility programme, the UN Global Compact. It is a public-private initiative designed to assist companies in the development, implementation and disclosure of water sustainability policies and practices. It seeks to build an international movement of committed companies and is open to companies of all sizes and sectors worldwide. The initiative requires the endorsement of a company's Chief Executive Officer, or equivalent.

Endorsing CEOs acknowledge that in order to operate in a more sustainable manner, and contribute to the vision of the UN Global Compact and the realization of the Millennium Development Goals, they have a responsibility to make water resources management a priority, and to work with governments, UN agencies, non-governmental organizations, and other stakeholders to address this global water challenge. The CEO Water Mandate covers six areas: Direct Operations; Supply Chain and Watershed Management; Collective Action; Public Policy; Community Engagement; and Transparency.

Further information can be found at: http://www.unglobalcompact.org/Issues/Environment/CEO_Water_Mandate/

3.7.2 Ofwat/WWF-UK statement on sustainable water abstraction

On 17 September 2009, the UK's main water regulator (the Water Services Regulatory Authority or **"Ofwat"**) and the World Wildlife Fund UK (**"WWF-UK"**) published a joint statement on water abstraction. The statement provides an interesting example of a regulatory body and environmental charity working together in the field of climate change.

The statement acknowledges that:

"Climate change could mean less water is available for meeting human needs, as well as those of the natural environment. This means that we need to be more efficient with the water we use. The ecological impacts of over-abstraction also vary geographically and over time. The abstraction regime needs to take account of this, as it is likely to become an increasingly important issue under future climate change."

The statement notes that the current abstraction regime in the UK does not incentivise water companies to optimise their abstraction operations. It calls for market-based or economic approaches to be introduced into the abstraction regime in order to reflect the true value of abstraction licences (including the costs of abstraction to the environment).

Ofwat and WWF-UK's proposals include a scheme involving scarcity charges where a higher price is paid for water abstracted in areas where water is scarce. They have also considered payments to abstractors who voluntarily give up all or part of their abstraction rights, and "reverse auctions" where abstraction licence holders would propose a price at which they would be prepared to have their licences amended or revoked.

In addition to using market-based and economic mechanisms, the statement emphasises that any sustainable abstraction regime will need to be underpinned by appropriate regulatory mechanisms, including sustainability targets.

Further information can be found at: http://www.ofwat.gov.uk/competition/review/res_ofw_090917wwfabstract.pdf

Part 4: Forestry and Climate Change

Over recent decades there has been a growing awareness of the importance of forests, not only as a resource for human use (as they have traditionally been viewed), but as a vital component in preserving the delicate balance of the earth's ecosystem. More recently it has become apparent that forests play an essential role in counteracting global warming, thus focusing global attention even more sharply on how best to preserve and sustain this vital resource.

We set out below some of the major international and regional initiatives, both legislative and voluntary, on forestry which have emerged worldwide over recent years.

4.1 UN FORESTRY INITIATIVES

The UN has played an active role in the development of law and policy on the sustainable management of forests. One of its early initiatives was the Statement of Forest Principles. These were a set of non-legally binding principles on the management, conservation and sustainable development of all types of forests and were produced at the 1992 Earth Summit.

Further information can be found at: http://www.un.org/esa/dsd/susdevtopics/sdt_intelaw.shtml

In October 2000, the UN's Economic and Social Council established the UN Forum on Forests (**"UNFF"**), a subsidiary body with the main objective to promote "the management, conservation and sustainable development of all types of forests and to strengthen long-term political commitment to this end…".

Following intense negotiations, the UNFF adopted the landmark Non-Legally Binding Instrument on All Types of Forests (**"NLBI"**) on 28 April 2007. The instrument is considered a milestone, as it is the first time Member States have agreed to an international instrument for sustainable forest management. The instrument is expected to have a major impact on international cooperation and national action to reduce deforestation, prevent forest degradation, promote sustainable livelihoods and reduce poverty for all forest-dependent peoples. The NLBI was adopted by the UN General Assembly on 17 December 2007.

Further information can be found at: http://www.un.org/esa/dsd/resources/res_docukeyconf_eartsumm.shtml

The UN's Food and Agriculture Organisation also plays an important role in forestry initiatives. Further information can be found at: http://www.fao.org/forestry/en/

4.2 RECENT DEVELOPMENTS IN FORESTRY IN THE EU

Like the UN, the EU has also built its forestry policy around the principle of sustainability, and proposes a global objective of halting the loss of forest cover by 2030. Within the EU, the Commission and all Member States have signed the resolutions of the Ministerial Conference on Protection of Forests in Europe (**"MCPFE"**), confirming sustainable forest management (**"SFM"**) and multi-functionality as the core approach to forestry.

Traditionally, forestry policy has been implemented in the EU by means of subsidiary and shared responsibility – principles that place the onus for policy-making largely upon the Member States themselves. However, the EU has recently been seen to be taking a more active role in dealing with imports of illegally-logged timber. In July 2010 the European Parliament approved legislation that would see an outright ban on the sale of timber logged in contravention of the laws of the country of origin. It will also oblige companies that sell timber in the EU to carry out checks to ensure it has been sourced from trees that have been legally felled. The legislation, which operates in a similar fashion to the US Lacey Act (see paragraph 4.13.2) is expected to gain the necessary approval from the European Council in the latter half of 2010 and is likely to come into force in 2012. It is expected to operate in conjunction with the existing EU Forest Law Enforcement, Governance and Trade voluntary licensing system (see paragraph 4.5.5).

At Member State level, common forestry policies include forest inventories, land registry systems, provisions to reduce the fragmentation of forest ownership and licensing regimes for the harvest of timber. The EU does have some other forest-specific policy tools, including the Forestry Strategy (**"FS"**) and the Forest Action Plan (**"FAP"**). The FS originated from an EU council resolution of 15 December 1998 and set out the common principles of EU forestry policy (SFM and multi-functionality), listed international processes to be followed at EU level, and established a framework for forest-related actions in support of SFM. The FAP is intended to run from 2007-2011 and aims to build on the FS by, *inter alia*, encouraging forest protection and the enhancement of biodiversity, increasing competition in the forestry sector, and incentivising the co-ordination of forest policy throughout the EU. Further information on the FAP can be found at:

http://ec.europa.eu/agriculture/fore/action_plan/com_en.pdf

There are a number of other relevant EU policies that are not specifically related to forests. These include the NATURA 2000 network that designates certain habitats (including forests) as 'Special Protection Areas', and the Rural Development Regulation, which is the main instrument at EU level for the implementation of the FS and FAP with an aim to prevent distortions in competition and co-finance support for forestry.

The EU published a Green Paper on "Forest Protection and Information in the EU" in March 2010 that focused on the effect of climate change on forest management and how EU policy should adapt in response. A key initial recommendation is to improve the standard of information on forests by harmonising the collection of data across the EU, reporting on a more complete set of indicators, and obtaining better

information on forest carbon and sequestration of carbon on harvested wood products. The Paper suggested that this would allow forest management to contribute towards climate change mitigation.

Further information on the Green Paper can be found at:

http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0066:FIN:EN:PDF

4.3 REDUCING EMISSIONS FROM DEFORESTATION AND FOREST DEGRADATION ("REDD")

Deforestation and forest degradation are the second leading cause of global warming, responsible for about 20% of global greenhouse gas emissions, which makes the loss and depletion of forests a major issue for climate change. Reduced Emissions from Deforestation and Degradation (**"REDD"**), is a methodology for avoiding the release of carbon dioxide emissions and, by using these forests as carbon sinks, abating future carbon dioxide emissions. This is achieved through using market mechanisms/financial incentives to prevent or reduce forest loss or degradation, for example through carbon trading, or paying for forest management. The aim is that such funding rewards good forest management in developing countries and makes poor forest management, such as indiscriminate unenforced logging, less profitable than the sustainable alternative.

REDD is not without controversy, however. There are concerns about the negative impacts REDD payments might have on forest-dependent communities, primarily through further weakening of their land and resource rights. There are also potential and complex links with agriculture. Limiting the expansion of agriculture could have impacts on the supply of food and other agricultural products.

To be effective as mitigation, REDD projects have to meet a number of stringent criteria. They must avoid 'leakage', for instance — where conservation in one area simply shifts deforestation to another. REDD projects and programmes also need to be 'additional' – that is, they must lead directly to reductions in deforestation and degradation that would not have happened simply as a result of wider changes in the economy. A project baseline needs to be established to measure progress in reducing greenhouse gas emissions. Land tenure and forest governance are also key factors that will determine the success or failure of any REDD initiative, and the mechanisms by which payments and benefits are shared will be critical.

REDD emerged as one of the key issues in the international climate change negotiations in 2005, when a group of countries led by Papua New Guinea and Costa Rica proposed that deforestation should be included in the UNFCCC. Since 2005 REDD has grown into "REDD-plus", which refers to paragraph 1(b)(iii) of the BAP:

"reducing emissions from deforestation and forest degradation in developing countries; and the role of conservation, sustainable management of forests and enhancement of forest carbon stocks in developing countries".

Countries such as India argued strongly for expanding the negotiations beyond just deforestation and forest degradation – hence the term, REDD-plus. REDD-plus would include "carbon enhancement" (for example tree planting, conservation schemes) as well as preventing deforestation.

The Copenhagen Accord (see 2.2) recognises the need to reduce emissions from deforestation and enhance the removal of greenhouse gas emissions by forests. A REDD-plus mechanism will be set up under the Accord to incentivise those actions. However, no further details or timetable to achieve this is given, so it is not clear how this will be taken forward.

4.4 WORLD BANK FORESTRY PROGRAMME

The World Bank has played a critical role in the development of policy around the sustainable use of forests, and has itself given considerable support to the REDD programme. The Bank's Forests Strategy has three central pillars:

- harnessing the potential of forests to reduce poverty;
- integrating forests into sustainable economic development; and
- protecting global forest values.

The Bank has developed a number of safeguard policies, including the forests operational policy to ensure that Bank operations with potential impacts on forests take forest outcomes into consideration.

Another issue closely related to the Forests Strategy's pillars is how to address the destruction of forests, the loss of livelihood opportunities, and the undermining of economic development opportunities as a result of poor forest sector governance and associated illegal logging and corruption. The market value of global annual losses from illegal logging is estimated to be US$10 billion. One of the World Bank's major programmes is recent years in the Forest Law Enforcement and Governance Programme (see below).

Further information can be found at: http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTARD/EXTFORESTS/0,,menuPK:985797~pagePK:149018~piPK:149093~theSitePK:985785,00.html

4.5 FLEG

The Forest Law Enforcement and Governance Programme (**"FLEG"**) was initiated in 2001 to respond to increased awareness of the undesirable effects of illegal forest actions occurring in the main producer and exporting countries. The World Bank has a central coordinating role but FLEG is developed as a regional initiative. The Programme aims to coordinate initiatives with other international and national institutions as well as partners of the private sector and civil society to combat illegal logging and associated trade. The Forest Law Enforcement and Governance partnership is a multi-donor trust fund established at the Bank in 2004 to support regional FLEG Ministerial processes.

Through support and coordination of these regional FLEG initiatives the Bank aims to reduce the level of illegal logging activities and thereby curb the associated degradation of forests, loss of government revenue from uncollected fees and taxes, and support the development of a more level playing field for legitimate forest operators.

Some examples of FLEG programmes are set out below.

4.5.1 East Asia and the Pacific

A regional FLEG task force was created to advance the objectives of the Bali Declaration (see section 4.6 below), and has held meetings in May 2002 and January 2003. The Bali Declaration and the follow-up discussions it spawned have led to agreements on specific national and regional efforts needed to address forest threats. A memorandum of understanding (**"MOU"**) between the UK and Indonesia to improve FLEG and combat illegal logging and international trade in illegally logged timber, and an MOU between Japan and Indonesia, with similar objectives, are noteworthy in this context.

4.5.2 Africa

The Africa Forest Law Enforcement and Governance (**"AFLEG"**) Ministerial Conference took place from 13-16 October 2003, in Yaoundé, Cameroon, resulting in the AFLEG Declaration and Action Plan (English/French). In the Declaration, governments expressed their intention to, inter alia: mobilise financial resources for FLEG; provide economic opportunities for forest-dependent communities to reduce illegal activities; promote cooperation between law enforcement agencies within and among countries; involve stakeholders in decision making; raise awareness of FLEG issues; and explore means of demonstrating the legality and sustainability of forest products.

An AFLEG Support Group of active 'producer', 'consumer' and donor governments was established in May 2004, with the purpose of maintaining momentum for action to implement the declaration. Efforts are being made to integrate AFLEG-related objectives and actions into existing initiatives, such as the National Economic Plan for African Development (NEPAD) framework and other regional bodies such as COMIFAC (Central Africa); SADC (South Africa); Common Market for Eastern and Central Africa (East Africa); and ECOWAS (West Africa).

4.5.3 Latin America and the Caribbean Region

Forests cover approximately 37% of the land area in Latin America and the Caribbean (**"LAC"**). Forests in LAC account for more than a third of the global forest resources and represent important stores of biodiversity. Forest cover is, however, decreasing in almost all LAC countries.

The World Bank has been involved in a number of projects in the LAC region. These include projects with a substantial focus on community involvement in conservation and management of forest and non-forest resources (e.g. in Mexico and Honduras). In addition, in order to conserve environmental

commons, the World Bank has engaged in a number of projects involving grant-based support to Protected Areas (e.g. in Brazil and Peru) and building markets for ecosystem services (e.g. in Costa Rica and Mexico).

4.5.4 Europe

The European Union's Forest Law Enforcement, Governance and Trade (**"FLEGT"**) Action Plan represents one of the most comprehensive and ambitious attempts to use the power of timber-consuming countries to reduce the extent of illegal logging.

The Action Plan was published in 2003. It seeks to address the problem of illegal logging and its related trade through a combination of supply- and demand-side measures that simultaneously provide support to developing countries to improve forest governance, while stimulating markets for legal and sustainable timber in the EU.

A significant element of the Action Plan is the negotiation and implementation of bilateral Voluntary Partnership Agreements (**"VPAs"**) (see Box 14 below) between the European Union and tropical timber producing countries where illegal logging is a recognised problem.

In December 2005, the Council of Ministers of the EU adopted the Forest Law Enforcement, Governance and Trade Regulation, which, together with its implementing regulation[7], puts in place the European legislative framework for the controls needed to implement the EU's obligations in respect of VPAs. Member states within the EU are required to put these regulations into effect through domestic legislation that establishes procedures for the receipt, verification and acceptance of FLEGT licensed shipments by UK competent authorities and for the enforcement of this scheme.

FLEGT has made significant steps in Africa and Southeast Asia through VPAs, but there are currently no initiatives being negotiated in Latin America or the Caribbean.

For further information, go to: http://ec.europa.eu/environment/forests/flegt.htm

Box 14: What are Voluntary Partnership Agreements ("VPAs")?

VPAs are the means of putting the EU's FLEGT licensing system into effect. They are binding agreements which aim to ensure that exports of timber products to the EU have been legally harvested.

To date, three countries have signed VPAs with the EU: Republic of Congo (Congo Brazzaville) in May 2009, Ghana in November 2009, and Cameroon in May 2010. Several other countries are currently negotiating VPAs including the Central African Republic, Liberia, Indonesia and Malaysia. The European Commission expects that some of these negotiations will be completed by the end of 2010.

7 Council Regulation (EC) No. 2173/2005 of 20 December 2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community and Commission Regulation (EC) No. 1024/2008 of 17 October 2008 laying down detailed measures for the implementation of Council Regulation (EC) No 2173/2005 on the establishment of a FLEGT licensing scheme for imports of timber into the European Community.

4.6 THE BALI DECLARATION

Although only 5% of the world's forests are located in Southeast Asia, the region accounts for nearly 25% of the global forest loss over the past decade – with illegal logging a major force driving this deforestation. In September 2001, the East Asia Ministerial Conference on Forest Law Enforcement and Governance took place in Bali, Indonesia. The Conference adopted the Bali Declaration, whereby participating countries committed themselves to, inter alia, intensify national efforts and strengthen bilateral, regional and multilateral collaboration to address forest crime and violations of forest law.

The declaration highlighted the fact that many parts of Asia and the Pacific continue to suffer from high fertility, high infant and maternal mortality rates, rapid urbanization and lack of adequate education and health care. It considered estimates showing that the population region would grow by 900 million between 2001-2010, with the highest growth occurring in South Asia and in the region's least developed countries.

The Bali Declaration proposed a number of goals and policy recommendations for consideration by national policy makers. It called for countries with rapid population growth to reduce their fertility rates to 2.2 children per woman, to reduce infant mortality rates to 40 per 1,000 live births, and to reduce maternal deaths by half by 2010.

The Declaration recognised that rapid population growth, changes in demographic structure and uneven population distribution impose pressures and constraints on social and economic development efforts, the environment and natural resources. Governments were urged to implement programmes promoting greater harmony among population, resources, environment and development.

Issues including urbanisation, migration, family planning and maternal and child health, population and human resources development, women and population, poverty alleviation, mortality and morbidity, aging, population data, research and information dissemination and resource mobilization were also addressed.

In addition, the Declaration stated that measures to improve the status, role and participation of women must be given high priority, because "women have a fundamental right to enjoy equality with men in all aspects of life and because women play a critical role in, and must fully participate in, the sustainable development process."

4.7 UNITED NATIONS CONVENTION TO COMBAT DESERTIFICATION

The UN Convention to Combat Desertification (**"UNCCD"**) was adopted in June 1994 and entered into force on 26 December 1996.

The international community had long recognised that desertification is a major economic, social and environmental problem of concern to many countries in all regions of the world. In 1977, the UN Conference on Desertification adopted a Plan of Action to Combat Desertification. Unfortunately, despite this and other efforts, the UN Environment Programme concluded in 1991 that the problem of land degradation in arid, semi-arid and dry sub-humid areas had intensified.

As a result, the question of how to tackle desertification was further discussed at the UN Conference on Environment and Development in Rio de Janeiro in 1992. The Conference supported a new, integrated approach to the problem, emphasising action to promote sustainable development at the community level.

The UNCCD focuses on regions where desertification and drought are key concerns, recognising the African countries as a priority area. It calls for national action programmes to ensure the integrated and sustainable management of natural resources, including forests.

The UNCCD recognises that one of the particular conditions for the Latin American and Caribbean region, is the frequent use of unsustainable development practices. The UNCCD calls for national action programmes focussing on the sustainable development and management of forestry in these areas.

Importantly, the UNCCD explicitly acknowledges the interaction between climate and desertification and the contribution that combating desertification can make to achieving the objectives of the UNFCCC. It encourages the coordination of activities carried out under the UNCCD and the UNFCCC and other relevant international agreements.

For further information, please go to: http://www.unccd.int/

4.8 RAMSAR CONVENTION

Please refer to paragraph 3.3 above for information on the Ramsar Convention.

4.9 CONVENTION CONCERNING THE PROTECTION OF THE WORLD CULTURAL AND NATURAL HERITAGE 1972 (THE "WORLD HERITAGE CONVENTION")

The World Heritage Convention links together in a single document the concepts of nature conservation and the preservation of cultural properties. The Convention defines the kind of natural or cultural sites which can be considered for inscription on the World Heritage List.

The World Heritage List includes 890 cultural and natural sites which the World Heritage Committee considers as having outstanding universal value (see Box 13 below).

The World Heritage Convention sets out the duties of contracting parties in identifying potential sites and their role in protecting and preserving them.

At the World Heritage Committee's 25th session in 2001, it was agreed that forests warranted a particular focus among the natural heritage sites. Thus, the World Heritage Forest programme was created to ensure that the World Heritage Convention be leveraged as much as possible to further forest conservation on a global scale.

There is also a specific forestry initiative for Central Africa. This aims to improve the management of protected areas of the Congo Basin and to improve their integration in the ecological landscape encompassing them. The Congo Basin harbours the

second largest tropical forest area after the Amazonian Basin and shelters some of Africa's greatest biological diversity. Conservation of this biodiversity is currently seriously threatened by an important and growing traffic of bush meat.

A new publication by the World Heritage Centre, entitled *Case Studies on Climate Change and World Heritage*, highlights the impacts of climate change on 26 natural and cultural World Heritage properties, along with ongoing and planned adaptation and mitigation measures.

Further information can be found at: http://whc.unesco.org/en/about/

Box 15: Statistics

- The World Heritage List includes 890 properties in total. These include 176 natural and 25 mixed properties in 148 states.
- There are 97 World Heritage Forest sites (based on July 2008 figures). World Heritage forest sites now have a total surface area of over 76m hectares (1.5 times the surface area of France).
- There are 33 natural heritage sites in Africa and 65 such sites in Latin America and the Caribbean.

4.10 INTERNATIONAL TROPICAL TIMBER AGREEMENT

The International Tropical Timber Organization (**"ITTO"**) is an inter-governmental organisation promoting the conservation, sustainable management, use and trade of tropical forest resources. The ITTO has 69 member countries (33 producer-countries and 26 consumer-countries), representing approximately 80% of the world's tropical forests and 90% of the world trade in tropical timber.

The ITTO was formed after a long series of international negotiations leading to the signing of the International Tropical Timber Agreement (**"ITTA"**) under the auspices of the United Nations Conference on Trade and Development. The ITTA has been superseded a number of times. The current ITTA entered into force in 2008.

The ITTO's work includes:

- Assisting countries to plan for SFM (see Box 16 below).
- Promoting careful harvesting to reduce the environmental impact of logging and improve efficiency of logging activities.
- Promoting the management of tropical forests with or by local communities.
- Working to reduce the risks to tropical forests posed by fire.
- Assisting member countries to combat illegal logging and illegal trade.
- Promoting conservation and biodiversity in transboundary parks and through better harvesting practices in production forests.
- Restoring degraded natural forests and establishing productive plantations.

Further information can be found at: http://www.itto.int/en/itta/

Box 16: What is SFM?

The ITTO defines sustainable forest management as:

"the process of managing forest to achieve one or more clearly specified objectives of management with regard to the production of a continuous flow of desired forest products and services without undue reduction of its inherent values and future productivity and without undue undesirable effects on the physical and social environment"

This means that forest-related activities should not damage the forest to the extent that its capacity to deliver products and services - such as timber, water and biodiversity conservation - is significantly reduced. Forest management should also aim to balance the needs of different forest users so that its benefits and costs are shared equitably.

4.11 CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA 1975

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (**"CITES"**) came into force in 1975. Its purpose is to ensure that no species of wild fauna or flora becomes or remains subject to unsustainable exploitation because of international trade. CITES plays an important role in helping to combat international trade in illegal logging.

CITES was drafted as a result of a resolution adopted in 1963 at a meeting of members of The World Conservation Union. CITES now has 175 parties and is one of the world's largest international conservation agreements.

CITES accords varying degrees of protection to over 30,000 species of animals and plants. The member countries act together by regulating trade in species listed under the three appendices to the CITES Convention.

Annually, international wildlife trade is estimated to be worth billions of dollars and to include hundreds of millions of plant and animal specimens. The trade is diverse, ranging from live animals and plants to a vast array of wildlife products derived from them, including wooden instruments and timber.

The CITES secretariat and the ITTO are collaborating on a programme of activities aimed at ensuring that international trade in CITES-listed timber species is consistent with their sustainable management and conservation. This project is funded through the ITTO by a grant from the European Commission, with additional funding from Japan, Norway and the USA.

While CITES is generally recognised as one of the world's most important conservation conventions, it is not without constraints:

- Participation in CITES is voluntary. Although CITES is legally binding on the Parties, it does not take the place of national laws. CITES provides a framework within which domestic legislation must be adopted to make sure that CITES is implemented at the national level.
- Some of the Parties to CITES lack the funding and resources to implement CITES and ensure it is enforced. As of 2002, it was estimated that some 50% of the parties to CITES lacked one or more of the major requirements for participation – namely, the designation of management and scientific authorities, national laws prohibiting the trade in endangered species violation of CITES; and penalties for such trade and laws providing for the confiscation of specimens.[8] Some conservationists have concerns about the structure and philosophy of CITES. For example, CITES focuses on trade at the species level and does not address key issues such as habitat loss, ecosystem approaches to conservation, or poverty.
- CITES regulates and monitors trade in the manner of a "negative list" such that trade in all species is permitted and unregulated unless the species in question appears on the Appendices. Some would prefer to see a "positive list" whereby only species which have been evaluated and approved for the positive list would be permitted in trade, thus lightening the review burden for both member states and the Secretariat, and also preventing poorly known species from being inadvertently threatened by legal trade.
- Whilst many developing countries have been eager to join CITES, the annual costs of staffing and maintaining a CITES office and an effective presence at the meetings of the Parties remain unaffordable for many signatory nations. In practice, these offices and staff are nearly always the same as those which license, permit, and collect fees for the hunting, trade, and protection of wild plants and animals. Because these fees collected from wildlife traders often represent a significant source of these CITES offices operational budgets, the structure of CITES creates a direct conflict of interest between these offices and the resources they are tasked with managing.
- Other specific concerns include the fact that there is no mechanism for reporting by the Parties so that monitoring by the CITES secretariat is often incomplete. The CITES Convention does not address domestic trade in listed species, which can also be significant.

Further information can be found at: http://www.cites.org/eng/disc/what.shtml

8 Policing International Trade in Endangered Species: The CITES Treaty and Compliance. London: Earthscan, 2000.

4.12 CONVENTION ON BIOLOGICAL DIVERSITY 1992

At the 1992 Earth Summit in Rio de Janeiro, world leaders agreed on a comprehensive strategy for sustainable development. One of the key agreements adopted at the Earth Summit was the Convention on Biological Diversity.

The Convention establishes three main goals:

- the conservation of biological diversity;
- the sustainable use of its components; and
- the fair and equitable sharing of the benefits from the use of genetic resources.

The Convention on Biological Diversity plays an important role in the sustainable conservation of forests and woodland areas.

The Secretariat of the Convention on Biological Diversity, in collaboration with the German Development Cooperation facilitated a meeting in July 2009 on sustainable forest management, with a focus on forest biodiversity, between the three major regional organisations of the world's tropical forest regions: the Amazon Cooperation Treaty Organization (ACTO), the Association of South-East Asian Nations (ASEAN), and the Central Africa Forests Commission (COMIFAC) (see further below). The purpose of the meeting was to share knowledge, strategies and experiences in order to promote mutual learning on forest policy coordination and cooperation, and to improve the impact of regional organizations.

Further information can be found at: http://www.cbd.int/convention/

4.13 REGIONAL INITIATIVES

4.13.1 Yaoundé Declaration

The Yaoundé Declaration was made in March 1999 by the heads of state of six Central African countries - Cameroon, Gabon, Equatorial Guinea, Central African Republic, Republic of Congo and Tchad - in which they declared their commitment to biodiversity conservation and the sustainable management of forest ecosystems in Central Africa. The Declaration included twelve strategic resolutions for action on various aspects of biodiversity conservation and forest management.

Supported by an alliance comprising the World Bank and the World Wildlife Fund (which works with governments, the private sector and civil society to significantly reduce the loss and degradation of all forest types worldwide, an action plan was developed in 2003 for the Tri-National des la Sangha (TNS), one of the first transboundary protected areas created as a follow up to the Yaoundé Summit, and which covers Cameroon, Republic of Congo and the Central African Republic.

Originally called the "Conference of Ministers", the Central African Forests Commission ("**COMIFAC**") was established soon after the Yaoundé Summit. It was mandated by the Heads of State to implement the Yaoundé Declaration. COMIFAC is the regional body in charge of forests and environmental policy,

coordination and harmonisation, with the objective to promote the conservation and sustainable management of the Congo Basin's forest ecosystems.

The only decision-making body on forests in Central Africa, it is also charged with steering, coordinating and supervising initiatives and actions related to the conservation and sustainable management of forests in the sub-region. COMIFAC's establishment has facilitated efforts to put the various forest related initiatives under one umbrella.

4.13.2 US Lacey Act

The Lacey Act was introduced in the US in 1900 to prevent transportation of illegally captured wildlife across state lines. It has been amended several times, most recently in June 2008 when US Congress agreed to extend the Act to illegally-sourced timber and timber products. This made the US the first country to legislate against the handling of timber which is illegal according to the laws of the country from which the timber originated.

The Act prohibits trade in illegally-sourced plant products (as defined by the country of origin/harvest) and establishes penalties for importers who fail to comply, including confiscation of goods/fines and the possibility of imprisonment. This is dependent on the "due diligence" systems the company had in place, along with the shipment value.

In November 2009, the US Department of Justice made its first high-profile use of the Lacey Act with a raid on a world-renowned guitar manufacturer, seizing documents, wood, guitars and computer files. The obligation to exercise 'due care' to ensure that timber has not been illegally sourced means that companies must be extremely attentive to the origins of their timber. Organisations that certify the legal sourcing of timber have reported a rise in verification requests from an increasing number of countries, showing that the regulation of such a massive timber market as the US has far-reaching effects.

4.13.3 Forestry legislation in Honduras

In September 2007 Honduras approved new legislation relating to forestry.

4.14 VOLUNTARY INITIATIVES AND GUIDELINES

4.14.1 Government Timber Procurement Policies

As an incentive to improve the sustainable management of tropical forests, a number of governments and public authorities have prepared timber procurement strategies. Such strategies generally state that the relevant body will only purchase timber and timber products that derive from sustainably managed forests or which are licensed under a recognised scheme. While such policies may not be legally enforceable in themselves, they help to encourage good practice and can form the basis of contractually binding agreements.

By way of example, since April 2009 the UK Government has operated a timber procurement policy requiring all central government departments, their executive agencies and non-departmental public bodies to procure timber and wood-derived products originating from either legal and sustainable or FLEGT-licensed or equivalent sources. From April 2010, application of the timber procurement policy includes certain social criteria. These include that all timber and wood-derived products supplied or used shall originate from a forest source where management of the forest has full regard for:

- identification, documentation and respect of legal, customary and traditional tenure and use rights related to the forest;
- mechanisms for resolving grievances and disputes including those relating to tenure and use rights, to forest management practices and to work conditions; and
- safeguarding the basic labour rights and health and safety of forest workers.

For further information, go to: http://www.cpet.org.uk/

4.14.2 Certification schemes

Timber certification systems have been developed in a number of countries to provide independent assurance that forestry operations are sustainable. A certified forest satisfies standards for environmentally, socially and economically responsible management. Wood products are then labelled so that they can be identified as derived from certified sources. This requires that wood trading companies are independently assessed against "chain of custody" standards to demonstrate that the wood product – or a specified proportion of that product - derives from certified forests.

Overall only a small minority (11%) of global commercial forest land is certified. Lack of infrastructure, land tenure and political problems have meant that progress in developing certification schemes has been slow in the tropics. Fragmentation of forest ownership and industry has also been a major constraint limiting certification of temperate hardwood forests, notably in the USA.

Two major international frameworks have evolved to oversee and promote development of forest certification. These are the Forest Stewardship Council, based in Germany, and the Programme for Endorsement of Forest Certification, headquartered in Geneva. Other notable schemes include: the Canadian Standard Association, the Malaysian Timber Certification Council, and the Sustainable Forestry Initiative.

The World Bank has recognised that forest certification is an important tool for implementing the new forests strategy, and is in fact a requirement in any project involving industrial forests. The Bank's operational policy on forests sets out minimum requirements that must be met by certification schemes used. Through the World Bank/WWF Alliance, the Bank has promoted the use of certification and with the Alliance is developing a tool – the Questionnaire for Assessing the Comprehensiveness of Certification Schemes/ Systems - to assess different certification schemes.

4.14.3 Codes of Conduct

A number of EU private sector timber trade federations (for example, IKEA and B&Q) have made commitments through Codes of Conduct to eliminate illegally harvested timber from their supply chains. These Codes are non-binding and thus discretionary in their application, but such large organisations operating in many jurisdictions have a potentially far-reaching impact on consumer consciousness.

4.14.4 Private sector

Four leading European retailers, Kingfisher, Marks and Spencer, IKEA and Carrefour have set up the Timber Retail Coalition (**"TRC"**) that will support proposals to legislate against illegal imports of timber. Several major banks have also put in place policies to ensure clients are not associated with illegal logging activities e.g. ABN-AMRO and HSBC.

Note: This publication provides general information and comments on the subject matter covered and is not a comprehensive treatment of the subject. The nature of the information provided means it can become outdated very quickly and therefore the publication should be regularly updated. In any case, this publication is not intended to provide legal advice, and readers should not rely on it but seek specific legal advice before taking any action with respect to the matters discussed.

Mayer Brown International LLP

October 2010

Schedule 1
Tables depicting actions of specified countries in relation to UN Conventions

WATER SECTION

Countries	Conventions			
	UN Watercourses Convention	UN Convention on the Law of the Sea	Convention on the Prevention of Marine Pollution by Dumping of Wastes & Other Matter ("London Convention").	1996 Protocol to London Convention
Peru	Not listed.	Not listed.	Ratified: 7 May 2003	Not listed.
Ecuador	Not listed.	Not listed.	Not listed.	Not listed.
Nicaragua	Not listed.	Signature: 9 Dec 1984 Ratified: 3 May 2000	Not listed.	Not listed.
El Salvador	Not listed.	Signature: 5 Dec 1984 Not ratified.	Not listed.	Not listed.
Honduras	Not listed.	Signature: 10 Dec 1982 Ratified: 5 Oct 1993	Ratified: 2 May 1980	Not listed.
Haiti	Not listed	Signature: 10 Dec 1982 Ratified: 31 Jul 1996	Ratified: 28 Aug 1975	Not listed.
Dominican Republic	Not listed	Signature: 10 Dec 1982 Ratified: 10 Jul 2009	Ratified: 7 Dec 1973	Not listed
Zimbabwe	Not listed	Signature: 10 Dec 1982 Ratified: 24 Feb 1993	Not listed	Not listed
Malawi	Not listed	Signature: 7 Dec 1984 Not ratified	Not listed	Not listed
Somalia	Not listed	Signature: 10 Dec 1982 Ratified: 24 Jul 1989	Not listed	Not listed
Yemen	Signature: 17 May 2000	Signature: 10 Dec 1982 Ratified: 21 Jul 1977	Not listed	Not listed
East Timor	Not listed	Not listed	Not listed	Not listed

Countries	Conventions							
	UN Framework Convention on Climate Change	Kyoto Protocol	UN Convention to Combat Desertification	RAMSAR Convention	World Heritage Convention	International Tropical Timber Agreement	Convention on International Trade in Endangered Species of Wild Fauna & Flora	Convention on Biological Diversity
Ecuador	Signature: 9 Jun 1992 Ratified: 23 Feb 1993	Signature: 15 Jan 1999 Ratified: 13 Jan 2000	Signature: 19 Jan 1995 Ratified: 6 Sep 1995	Accession: 27 Sep 1990	Acceptance: 9 Mar 1977	Signature: 24 May 2007 Ratified: 5 Nov 2008	Ratified: 13 Jan 1976 Approval: 1 Jan 1988	Signature: 9 Jun 1992 Ratified: 23 Feb 1993
Nicaragua	Signature: 13 Jun 1992 Ratified: 31 Oct 1995	Not listed.	Signature: 21 Nov 1994 Ratified: 17 Feb 1998	Accession: 26 Aug 1997	Acceptance: 30 Jan 1980	Not listed.	Accession: 6 Sep 1977	Signature: 13 Jun 1992 Ratified: 20 Nov 1995
El Salvador	Signature: 13 Jun 1992 Ratified: 4 Dec 1995	Signature: 8 Jun 1998 Ratified: 30 Nov 1998	Signature: No Accession: 27 Jun 1997	Ratification: 9 Feb 1999	Acceptance: 22 Oct 1991	Not listed.	Accession: 17 Jul 1987	Signature: 13 Jun 1992 Ratified: 8 Sep 1994
Honduras	Signature: 13 June 1992 Ratified: 19 Oct 1995	Signature: 25 Feb 1999 Ratified: 19 Jul 2000	Signature: 22 Feb 1995 Ratified: 25 Jun 1997	Accession: 19 Jul 1993	Ratified: 8 Jun 1979	Signature: 7 Apr 2006 Ratified: 31 Mar 2009	Accession: 9 May 1985	Signature: 13 Jun 1992 Ratified: 31 Jul 1995
Haiti	Signature: 13 June 1992 Ratified: 25 Sep 1996	Signature: No Accession: 6 Jul 2005	Signature: 15 Oct 1994 Ratified: 25 Sep 1996	Not listed.	Ratified: 13 Feb 1980	Not listed.	Not listed.	Signature: 13 Jun 1992 Ratified: 25 Sep 1996
Peru	Signature: 12 Jun 1992 Ratified: 7 Jun 1993	Signature: 13 Nov 1998 Ratified: 12 Sep 2002	Signature: 15 Oct 1994 Ratified: 9 Nov 1995	Accession: 30 Mar 1992	Ratified: 24 Feb 1982	Signature: 30 Jan 2008 Ratified: 16 Jun 2010	Ratified: 27 Jun 1975	Signature: 12 Jun 1992 Ratified: 7 Jun 1993

Countries	Conventions							
Dominican Republic	Signature: 12 Jun 1992 Ratified: 7 Oct 1998	Signature: No Accession: 12 Feb 2002	Signature: No Accession: 26 Jun 1997	Accession: 11 Jun 2002	Ratified: 15 Mar 1985	Not listed.	Accession: 13 Feb 1987	Signature: 13 Jun 1992 Ratified: 25 Nov 1996
Zimbabwe	Signature: 12 Jun 1992 Ratified: 3 Nov 1992	Signature: No Accession: 30 Jun 2009	Signature: 15 Oct 1994 Ratified: 23 Sep 1997	Not listed.	Ratified: 20 Sep 1982	Not listed.	Accession: 29 Jul 1981	Signature: 12 Jun 1992 Ratified: 11 Nov 1994
Malawi	Signature: 10 Jun 1992 Ratified: 21 Apr 1994	Signature: No Accession: 26 Oct 2001	Signature: 17 Jan 1995 Ratified: 13 Jun 1996	Accession: 2 Dec 1996	Ratified: 2 Feb 1982	Not listed.	Reservation: 13 Feb 1990 Acceptance: 13 Sep 1990 Accession: 13 Apr 1982	Signature: 10 Jun 1992 Ratified: 2 Feb 1994
Somalia	Acceded: 11 Sep 2009	Not listed.	Acceded: 24 Jul 2002	Not listed.	Not listed.	Not listed.	Acceded: 13 Mar 1986	Acceded: 11 Sep 2009.
Yemen	Signature: 12 Jun 1992 Ratified: 21 Feb 1996	Signature: No Accession: 15 Sep 2004	Signature: No Accession: 14 Jan 1997	Accession: 22 Jan 2008	Acceptance: 21 Nov 1980 Ratified: 7 Feb 1984	Not listed.	Accession: 7 Jul 1997	Signature: 12 Jun 1992 Ratified: 21 Feb 1996
East Timor	Not listed.	Not listed.	Not listed.	Not listed.	Not listed.	Not listed.	Not listed.	Not listed.

About Progressio

Progressio is an international development charity working for justice and the eradication of poverty. Progressio's approach combines advocacy work in the UK, Europe and internationally with the strengthening of community-based organisations. This combination is very effective in ensuring that the interests of poor and marginalised communities are taken into consideration in the Global North, while at the same time contributing directly to improve the quality of life and livelihoods of people in the South.

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