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**UNITED NATIONS FRAMEWORK CONVENTION
ON CLIMATE CHANGE**



UNITED NATIONS

1992

UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE

The Parties to this Convention,

Acknowledging that change in the Earth's climate and its adverse effects are a common concern of humankind,

Concerned that human activities have been substantially increasing the atmospheric concentrations of greenhouse gases, that these increases enhance the natural greenhouse effect, and that this will result on average in an additional warming of the Earth's surface and atmosphere and may adversely affect natural ecosystems and humankind,

Noting that the largest share of historical and current global emissions of greenhouse gases has originated in developed countries, that per capita emissions in developing countries are still relatively low and that the share of global emissions originating in developing countries will grow to meet their social and development needs,

Aware of the role and importance in terrestrial and marine ecosystems of sinks and reservoirs of greenhouse gases,

Noting that there are many uncertainties in predictions of climate change, particularly with regard to the timing, magnitude and regional patterns thereof,

Acknowledging that the global nature of climate change calls for the widest possible cooperation by all countries and their participation in an effective and appropriate international response, in accordance with their common but differentiated responsibilities and respective capabilities and their social and economic conditions,

Recalling the pertinent provisions of the Declaration of the United Nations Conference on the Human Environment, adopted at Stockholm on 16 June 1972,

Recalling also that States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental and developmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction,

Reaffirming the principle of sovereignty of States in international cooperation to address climate change,

Recognizing that States should enact effective environmental legislation, that environmental standards, management objectives and priorities should reflect the environmental and developmental context to which they apply, and that standards applied by some countries may be inappropriate and of unwarranted economic and social cost to other countries, in particular developing countries,

Recalling the provisions of General Assembly resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development, and resolutions 43/53 of 6 December 1988, 44/207 of 22 December 1989, 45/212 of 21 December 1990 and 46/169 of 19 December 1991 on protection of global climate for present and future generations of mankind,

Recalling also the provisions of General Assembly resolution 44/206 of 22 December 1989 on the possible adverse effects of sealevel rise on islands and coastal areas, particularly low-lying coastal areas and the pertinent provisions of General Assembly resolution 44/172 of 19 December 1989 on the implementation of the Plan of Action to Combat Desertification,

Recalling further the Vienna Convention for the Protection of the Ozone Layer, 1985, and the Montreal Protocol on Substances that Deplete the Ozone Layer, 1987, as adjusted and amended on 29 June 1990,

Noting the Ministerial Declaration of the Second World Climate Conference adopted on 7 November 1990,

Conscious of the valuable analytical work being conducted by many States on climate change and of the important contributions of the World Meteorological Organization, the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system, as well as other international and intergovernmental bodies, to the exchange of results of scientific research and the coordination of research,

Recognizing that steps required to understand and address climate change will be environmentally, socially and economically most effective if they are based on relevant scientific, technical and economic considerations and continually re-evaluated in the light of new findings in these areas,

Recognizing that various actions to address climate change can be justified economically in their own right and can also help in solving other environmental problems,

Recognizing also the need for developed countries to take immediate action in a flexible manner on the basis of clear priorities, as a first step towards comprehensive response strategies at the global, national

and, where agreed, regional levels that take into account all greenhouse gases, with due consideration of their relative contributions to the enhancement of the greenhouse effect,

Recognizing further that low-lying and other small island countries, countries with low-lying coastal, arid and semi-arid areas or areas liable to floods, drought and desertification, and developing countries with fragile mountainous ecosystems are particularly vulnerable to the adverse effects of climate change,

Recognizing the special difficulties of those countries, especially developing countries, whose economies are particularly dependent on fossil fuel production, use and exportation, as a consequence of action taken on limiting greenhouse gas emissions,

Affirming that responses to climate change should be coordinated with social and economic development in an integrated manner with a view to avoiding adverse impacts on the latter, taking into full account the legitimate priority needs of developing countries for the achievement of sustained economic growth and the eradication of poverty,

Recognizing that all countries, especially developing countries, need access to resources required to achieve sustainable social and economic development and that, in order for developing countries to progress towards that goal, their energy consumption will need to grow taking into account the possibilities for achieving greater energy efficiency and for controlling greenhouse gas emissions in general, including through the application of new technologies on terms which make such an application economically and socially beneficial,

Determined to protect the climate system for present and future generations,

Have agreed as follows:

ARTICLE 1

DEFINITIONS*

For the purposes of this Convention:

1. "Adverse effects of climate change" means changes in the physical environment or biota resulting from climate change which have significant deleterious effects on the composition, resilience or productivity of

* Titles of articles are included solely to assist the reader.

natural and managed ecosystems or on the operation of socio-economic systems or on human health and welfare.

2. "Climate change" means a change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods.

3. "Climate system" means the totality of the atmosphere, hydrosphere, biosphere and geosphere and their interactions.

4. "Emissions" means the release of greenhouse gases and/or their precursors into the atmosphere over a specified area and period of time.

5. "Greenhouse gases" means those gaseous constituents of the atmosphere, both natural and anthropogenic, that absorb and re-emit infrared radiation.

6. "Regional economic integration organization" means an organization constituted by sovereign States of a given region which has competence in respect of matters governed by this Convention or its protocols and has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to the instruments concerned.

7. "Reservoir" means a component or components of the climate system where a greenhouse gas or a precursor of a greenhouse gas is stored.

8. "Sink" means any process, activity or mechanism which removes a greenhouse gas, an aerosol or a precursor of a greenhouse gas from the atmosphere.

9. "Source" means any process or activity which releases a greenhouse gas, an aerosol or a precursor of a greenhouse gas into the atmosphere.

ARTICLE 2

OBJECTIVE

The ultimate objective of this Convention and any related legal instruments that the Conference of the Parties may adopt is to achieve, in accordance with the relevant provisions of the Convention, stabilization of greenhouse gas concentrations in the atmosphere at a level that would prevent dangerous anthropogenic interference with the climate system. Such a level should be achieved within a time-frame sufficient to allow ecosystems to adapt naturally to climate change, to ensure that food production is not threatened and to enable economic development to proceed in a sustainable manner.

ARTICLE 3

PRINCIPLES

In their actions to achieve the objective of the Convention and to implement its provisions, the Parties shall be guided, inter alia, by the following:

1. The Parties should protect the climate system for the benefit of present and future generations of humankind, on the basis of equity and in accordance with their common but differentiated responsibilities and respective capabilities. Accordingly, the developed country Parties should take the lead in combating climate change and the adverse effects thereof.
2. The specific needs and special circumstances of developing country Parties, especially those that are particularly vulnerable to the adverse effects of climate change, and of those Parties, especially developing country Parties, that would have to bear a disproportionate or abnormal burden under the Convention, should be given full consideration.
3. The Parties should take precautionary measures to anticipate, prevent or minimize the causes of climate change and mitigate its adverse effects. Where there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing such measures, taking into account that policies and measures to deal with climate change should be cost-effective so as to ensure global benefits at the lowest possible cost. To achieve this, such policies and measures should take into account different socio-economic contexts, be comprehensive, cover all relevant sources, sinks and reservoirs of greenhouse gases and adaptation, and comprise all economic sectors. Efforts to address climate change may be carried out cooperatively by interested Parties.
4. The Parties have a right to, and should, promote sustainable development. Policies and measures to protect the climate system against human-induced change should be appropriate for the specific conditions of each Party and should be integrated with national development programmes, taking into account that economic development is essential for adopting measures to address climate change.
5. The Parties should cooperate to promote a supportive and open international economic system that would lead to sustainable economic growth and development in all Parties, particularly developing country Parties, thus enabling them better to address the problems of climate change. Measures taken to combat climate change, including unilateral ones, should not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade.

ARTICLE 4

COMMITMENTS

1. All Parties, taking into account their common but differentiated responsibilities and their specific national and regional development priorities, objectives and circumstances, shall:

(a) Develop, periodically update, publish and make available to the Conference of the Parties, in accordance with Article 12, national inventories of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, using comparable methodologies to be agreed upon by the Conference of the Parties;

(b) Formulate, implement, publish and regularly update national and, where appropriate, regional programmes containing measures to mitigate climate change by addressing anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, and measures to facilitate adequate adaptation to climate change;

(c) Promote and cooperate in the development, application and diffusion, including transfer, of technologies, practices and processes that control, reduce or prevent anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol in all relevant sectors, including the energy, transport, industry, agriculture, forestry and waste management sectors;

(d) Promote sustainable management, and promote and cooperate in the conservation and enhancement, as appropriate, of sinks and reservoirs of all greenhouse gases not controlled by the Montreal Protocol, including biomass, forests and oceans as well as other terrestrial, coastal and marine ecosystems;

(e) Cooperate in preparing for adaptation to the impacts of climate change; 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;

(f) Take climate change considerations into account, to the extent feasible, in their relevant social, economic and environmental policies and actions, and employ appropriate methods, for example impact assessments, formulated and determined nationally, with a view to minimizing adverse effects on the economy, on public health and on the quality of the environment, of projects or measures undertaken by them to mitigate or adapt to climate change;

(g) Promote and cooperate in scientific, technological, technical, socio-economic and other research, systematic observation and development of data archives related to the climate system and intended to further the understanding and to reduce or eliminate the remaining uncertainties regarding the causes, effects, magnitude and timing of climate change and the economic and social consequences of various response strategies;

(h) Promote and cooperate in the full, open and prompt exchange of relevant scientific, technological, technical, socio-economic and legal information related to the climate system and climate change, and to the economic and social consequences of various response strategies;

(i) Promote and cooperate in education, training and public awareness related to climate change and encourage the widest participation in this process, including that of non-governmental organizations; and

(j) Communicate to the Conference of the Parties information related to implementation, in accordance with Article 12.

2. The developed country Parties and other Parties included in annex I commit themselves specifically as provided for in the following:

(a) Each of these Parties shall adopt national 1/ policies and take corresponding measures on the mitigation of climate change, by limiting its anthropogenic emissions of greenhouse gases and protecting and enhancing its greenhouse gas sinks and reservoirs. These policies and measures will demonstrate that developed countries are taking the lead in modifying longer-term trends in anthropogenic emissions consistent with the objective of the Convention, recognizing that the return by the end of the present decade to earlier levels of anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol would contribute to such modification, and taking into account the differences in these Parties' starting points and approaches, economic structures and resource bases, the need to maintain strong and sustainable economic growth, available technologies and other individual circumstances, as well as the need for equitable and appropriate contributions by each of these Parties to the global effort regarding that objective. These Parties may implement such policies and measures jointly with other Parties and may assist other Parties in contributing to the achievement of the objective of the Convention and, in particular, that of this subparagraph;

1/ This includes policies and measures adopted by regional economic integration organizations.

(b) In order to promote progress to this end, each of these Parties shall communicate, within six months of the entry into force of the Convention for it and periodically thereafter, and in accordance with Article 12, detailed information on its policies and measures referred to in subparagraph (a) above, as well as on its resulting projected anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol for the period referred to in subparagraph (a), with the aim of returning individually or jointly to their 1990 levels these anthropogenic emissions of carbon dioxide and other greenhouse gases not controlled by the Montreal Protocol. This information will be reviewed by the Conference of the Parties, at its first session and periodically thereafter, in accordance with Article 7;

(c) Calculations of emissions by sources and removals by sinks of greenhouse gases for the purposes of subparagraph (b) above should take into account the best available scientific knowledge, including of the effective capacity of sinks and the respective contributions of such gases to climate change. The Conference of the Parties shall consider and agree on methodologies for these calculations at its first session and review them regularly thereafter;

(d) The Conference of the Parties shall, at its first session, review the adequacy of subparagraphs (a) and (b) above. Such review shall be carried out in the light of the best available scientific information and assessment on climate change and its impacts, as well as relevant technical, social and economic information. Based on this review, the Conference of the Parties shall take appropriate action, which may include the adoption of amendments to the commitments in subparagraphs (a) and (b) above. The Conference of the Parties, at its first session, shall also take decisions regarding criteria for joint implementation as indicated in subparagraph (a) above. A second review of subparagraphs (a) and (b) shall take place not later than 31 December 1998, and thereafter at regular intervals determined by the Conference of the Parties, until the objective of the Convention is met;

(e) Each of these Parties shall:

- (i) coordinate as appropriate with other such Parties, relevant economic and administrative instruments developed to achieve the objective of the Convention; and
- (ii) identify and periodically review its own policies and practices which encourage activities that lead to greater levels of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol than would otherwise occur;

(f) The Conference of the Parties shall review, not later than 31 December 1998, available information with a view to taking decisions

regarding such amendments to the lists in annexes I and II as may be appropriate, with the approval of the Party concerned;

(g) Any Party not included in annex I may, in its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify the Depositary that it intends to be bound by subparagraphs (a) and (b) above. The Depositary shall inform the other signatories and Parties of any such notification.

3. The developed country Parties and other developed Parties included in annex II shall provide new and additional financial resources to meet the agreed full costs incurred by developing country Parties in complying with their obligations under Article 12, paragraph 1. They shall also provide such financial resources, including for the transfer of technology, needed by the developing country Parties to meet the agreed full incremental costs of implementing measures that are covered by paragraph 1 of this Article and that are agreed between a developing country Party and the international entity or entities referred to in Article 11, in accordance with that Article. The implementation of these commitments shall take into account the need for adequacy and predictability in the flow of funds and the importance of appropriate burden sharing among the developed country Parties.

4. The developed country Parties and other developed Parties included in annex II shall also assist the developing country Parties that are particularly vulnerable to the adverse effects of climate change in meeting costs of adaptation to those adverse effects.

5. The developed country Parties and other developed Parties included in annex II shall take all practicable steps to promote, facilitate and finance, as appropriate, the transfer of, or access to, environmentally sound technologies and know-how to other Parties, particularly developing country Parties, to enable them to implement the provisions of the Convention. In this process, the developed country Parties shall support the development and enhancement of endogenous capacities and technologies of developing country Parties. Other Parties and organizations in a position to do so may also assist in facilitating the transfer of such technologies.

6. In the implementation of their commitments under paragraph 2 above, a certain degree of flexibility shall be allowed by the Conference of the Parties to the Parties included in annex I undergoing the process of transition to a market economy, in order to enhance the ability of these Parties to address climate change, including with regard to the historical level of anthropogenic emissions of greenhouse gases not controlled by the Montreal Protocol chosen as a reference.

7. The extent to which developing country Parties will effectively implement their commitments under the Convention will depend on the effective implementation by developed country Parties of their

commitments under the Convention related to financial resources and transfer of technology and will take fully into account that economic and social development and poverty eradication are the first and overriding priorities of the developing country Parties.

8. In the implementation of the commitments in this Article, the Parties shall give full consideration to what actions are necessary under the Convention, including actions related to funding, insurance and the transfer of technology, to meet the specific needs and concerns of developing country Parties arising from the adverse effects of climate change and/or the impact of the implementation of response measures, especially on:

- (a) Small island countries;
- (b) Countries with low-lying coastal areas;
- (c) Countries with arid and semi-arid areas, forested areas and areas liable to forest decay;
- (d) Countries with areas prone to natural disasters;
- (e) Countries with areas liable to drought and desertification;
- (f) Countries with areas of high urban atmospheric pollution;
- (g) Countries with areas with fragile ecosystems, including mountainous ecosystems;
- (h) Countries whose economies are highly dependent on income generated from the production, processing and export, and/or on consumption of fossil fuels and associated energy-intensive products; and
- (i) Land-locked and transit countries.

Further, the Conference of the Parties may take actions, as appropriate, with respect to this paragraph.

9. The Parties shall take full account of the specific needs and special situations of the least developed countries in their actions with regard to funding and transfer of technology.

10. The Parties shall, in accordance with Article 10, take into consideration in the implementation of the commitments of the Convention the situation of Parties, particularly developing country Parties, with economies that are vulnerable to the adverse effects of the implementation of measures to respond to climate change. This applies notably to Parties with economies that are highly dependent on income

generated from the production, processing and export, and/or consumption of fossil fuels and associated energy-intensive products and/or the use of fossil fuels for which such Parties have serious difficulties in switching to alternatives.

ARTICLE 5

RESEARCH AND SYSTEMATIC OBSERVATION

In carrying out their commitments under Article 4, paragraph 1 (g), the Parties shall:

(a) Support and further develop, as appropriate, international and intergovernmental programmes and networks or organizations aimed at defining, conducting, assessing and financing research, data collection and systematic observation, taking into account the need to minimize duplication of effort;

(b) Support international and intergovernmental efforts to strengthen systematic observation and national scientific and technical research capacities and capabilities, particularly in developing countries, and to promote access to, and the exchange of, data and analyses thereof obtained from areas beyond national jurisdiction; and

(c) Take into account the particular concerns and needs of developing countries and cooperate in improving their endogenous capacities and capabilities to participate in the efforts referred to in subparagraphs (a) and (b) above.

ARTICLE 6

EDUCATION, TRAINING AND PUBLIC AWARENESS

In carrying out their commitments under Article 4, paragraph 1 (i), the Parties shall:

(a) Promote and facilitate at the national and, as appropriate, subregional and regional levels, and in accordance with national laws and regulations, and within their respective capacities:

- (i) the development and implementation of educational and public awareness programmes on climate change and its effects;
- (ii) public access to information on climate change and its effects;
- (iii) public participation in addressing climate change and its effects and developing adequate responses; and

- (iv) training of scientific, technical and managerial personnel.
- (b) Cooperate in and promote, at the international level, and, where appropriate, using existing bodies:
 - (i) the development and exchange of educational and public awareness material on climate change and its effects; and
 - (ii) the development and implementation of education and training programmes, including the strengthening of national institutions and the exchange or secondment of personnel to train experts in this field, in particular for developing countries.

ARTICLE 7

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.
2. The Conference of the Parties, as the supreme body of this Convention, shall keep under regular review the implementation of the Convention and any related legal instruments that the Conference of the Parties may adopt, and shall make, within its mandate, the decisions necessary to promote the effective implementation of the Convention. To this end, it shall:
 - (a) Periodically examine the obligations of the Parties and the institutional arrangements under the Convention, in the light of the objective of the Convention, the experience gained in its implementation and the evolution of scientific and technological knowledge;
 - (b) Promote and facilitate the exchange of information on measures adopted by the Parties to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
 - (c) Facilitate, at the request of two or more Parties, the coordination of measures adopted by them to address climate change and its effects, taking into account the differing circumstances, responsibilities and capabilities of the Parties and their respective commitments under the Convention;
 - (d) Promote and guide, in accordance with the objective and provisions of the Convention, the development and periodic refinement of comparable methodologies, to be agreed on by the Conference of the

Parties, inter alia, for preparing inventories of greenhouse gas emissions by sources and removals by sinks, and for evaluating the effectiveness of measures to limit the emissions and enhance the removals of these gases;

(e) Assess, on the basis of all information made available to it in accordance with the provisions of the Convention, the implementation of the Convention by the Parties, the overall effects of the measures taken pursuant to the Convention, in particular environmental, economic and social effects as well as their cumulative impacts and the extent to which progress towards the objective of the Convention is being achieved;

(f) Consider and adopt regular reports on the implementation of the Convention and ensure their publication;

(g) Make recommendations on any matters necessary for the implementation of the Convention;

(h) Seek to mobilize financial resources in accordance with Article 4, paragraphs 3, 4 and 5, and Article 11;

(i) Establish such subsidiary bodies as are deemed necessary for the implementation of the Convention;

(j) Review reports submitted by its subsidiary bodies and provide guidance to them;

(k) Agree upon and adopt, by consensus, rules of procedure and financial rules for itself and for any subsidiary bodies;

(l) Seek and utilize, where appropriate, the services and cooperation of, and information provided by, competent international organizations and intergovernmental and non-governmental bodies; and

(m) Exercise such other functions as are required for the achievement of the objective of the Convention as well as all other functions assigned to it under the Convention.

3. The Conference of the Parties shall, at its first session, adopt its own rules of procedure as well as those of the subsidiary bodies established by the Convention, which shall include decision-making procedures for matters not already covered by decision-making procedures stipulated in the Convention. Such procedures may include specified majorities required for the adoption of particular decisions.

4. The first session of the Conference of the Parties shall be convened by the interim secretariat referred to in Article 21 and shall take place not later than one year after the date of entry into force of the

Convention. Thereafter, ordinary sessions of the Conference of the Parties shall be held every year unless otherwise decided by the Conference of the Parties.

5. Extraordinary sessions of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party, provided that, within six months of the request being communicated to the Parties by the secretariat, it is supported by at least one-third of the Parties.

6. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State member thereof or observers thereto not Party to the Convention, may be represented at sessions of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, which is qualified in matters covered by the Convention, and which has informed the secretariat of its wish to be represented at a session of the Conference of the Parties as an observer, may be so admitted unless at least one-third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

ARTICLE 8

SECRETARIAT

1. A secretariat is hereby established.

2. The functions of the secretariat shall be:

(a) To make arrangements for sessions of the Conference of the Parties and its subsidiary bodies established under the Convention and to provide them with services as required;

(b) To compile and transmit reports submitted to it;

(c) To facilitate assistance to the Parties, particularly developing country Parties, on request, in the compilation and communication of information required in accordance with the provisions of the Convention;

(d) To prepare reports on its activities and present them to the Conference of the Parties;

(e) To ensure the necessary coordination with the secretariats of other relevant international bodies;

(f) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(g) To perform the other secretariat functions specified in the Convention and in any of its protocols and such other functions as may be determined by the Conference of the Parties.

3. The Conference of the Parties, at its first session, shall designate a permanent secretariat and make arrangements for its functioning.

ARTICLE 9

SUBSIDIARY BODY FOR SCIENTIFIC AND TECHNOLOGICAL ADVICE

1. A subsidiary body for scientific and technological advice is hereby established to provide the Conference of the Parties and, as appropriate, its other subsidiary bodies with timely information and advice on scientific and technological matters relating to the Convention. This body shall be open to participation by all Parties and shall be multidisciplinary. It shall comprise government representatives competent in the relevant field of expertise. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, and drawing upon existing competent international bodies, this body shall:

(a) Provide assessments of the state of scientific knowledge relating to climate change and its effects;

(b) Prepare scientific assessments on the effects of measures taken in the implementation of the Convention;

(c) Identify innovative, efficient and state-of-the-art technologies and know-how and advise on the ways and means of promoting development and/or transferring such technologies;

(d) Provide advice on scientific programmes, international cooperation in research and development related to climate change, as well as on ways and means of supporting endogenous capacity-building in developing countries; and

(e) Respond to scientific, technological and methodological questions that the Conference of the Parties and its subsidiary bodies may put to the body.

3. The functions and terms of reference of this body may be further elaborated by the Conference of the Parties.

ARTICLE 10

SUBSIDIARY BODY FOR IMPLEMENTATION

1. A subsidiary body for implementation is hereby established to assist the Conference of the Parties in the assessment and review of the effective implementation of the Convention. This body shall be open to participation by all Parties and comprise government representatives who are experts on matters related to climate change. It shall report regularly to the Conference of the Parties on all aspects of its work.

2. Under the guidance of the Conference of the Parties, this body shall:

- (a) Consider the information communicated in accordance with Article 12, paragraph 1, to assess the overall aggregated effect of the steps taken by the Parties in the light of the latest scientific assessments concerning climate change;

- (b) Consider the information communicated in accordance with Article 12, paragraph 2, in order to assist the Conference of the Parties in carrying out the reviews required by Article 4, paragraph 2 (d); and

- (c) Assist the Conference of the Parties, as appropriate, in the preparation and implementation of its decisions.

ARTICLE 11

FINANCIAL MECHANISM

1. A mechanism for the provision of financial resources on a grant or concessional basis, including for the transfer of technology, is hereby defined. It shall function under the guidance of and be accountable to the Conference of the Parties, which shall decide on its policies, programme priorities and eligibility criteria related to this Convention. Its operation shall be entrusted to one or more existing international entities.

2. The financial mechanism shall have an equitable and balanced representation of all Parties within a transparent system of governance.

3. The Conference of the Parties and the entity or entities entrusted with the operation of the financial mechanism shall agree upon

arrangements to give effect to the above paragraphs, which shall include the following:

(a) Modalities to ensure that the funded projects to address climate change are in conformity with the policies, programme priorities and eligibility criteria established by the Conference of the Parties;

(b) Modalities by which a particular funding decision may be reconsidered in light of these policies, programme priorities and eligibility criteria;

(c) Provision by the entity or entities of regular reports to the Conference of the Parties on its funding operations, which is consistent with the requirement for accountability set out in paragraph 1 above; and

(d) Determination in a predictable and identifiable manner of the amount of funding necessary and available for the implementation of this Convention and the conditions under which that amount shall be periodically reviewed.

4. The Conference of the Parties shall make arrangements to implement the above-mentioned provisions at its first session, reviewing and taking into account the interim arrangements referred to in Article 21, paragraph 3, and shall decide whether these interim arrangements shall be maintained. Within four years thereafter, the Conference of the Parties shall review the financial mechanism and take appropriate measures.

5. The developed country Parties may also provide and developing country Parties avail themselves of, financial resources related to the implementation of the Convention through bilateral, regional and other multilateral channels.

ARTICLE 12

COMMUNICATION OF INFORMATION RELATED TO IMPLEMENTATION

1. In accordance with Article 4, paragraph 1, each Party shall communicate to the Conference of the Parties, through the secretariat, the following elements of information:

(a) A national inventory of anthropogenic emissions by sources and removals by sinks of all greenhouse gases not controlled by the Montreal Protocol, to the extent its capacities permit, using comparable methodologies to be promoted and agreed upon by the Conference of the Parties;

(b) A general description of steps taken or envisaged by the Party to implement the Convention; and

(c) Any other information that the Party considers relevant to the achievement of the objective of the Convention and suitable for inclusion in its communication, including, if feasible, material relevant for calculations of global emission trends.

2. Each developed country Party and each other Party included in annex I shall incorporate in its communication the following elements of information:

(a) A detailed description of the policies and measures that it has adopted to implement its commitment under Article 4, paragraphs 2 (a) and 2 (b); and

(b) A specific estimate of the effects that the policies and measures referred to in subparagraph (a) immediately above will have on anthropogenic emissions by its sources and removals by its sinks of greenhouse gases during the period referred to in Article 4, paragraph 2 (a).

3. In addition, each developed country Party and each other developed Party included in annex II shall incorporate details of measures taken in accordance with Article 4, paragraphs 3, 4 and 5.

4. Developing country Parties may, on a voluntary basis, propose projects for financing, including specific technologies, materials, equipment, techniques or practices that would be needed to implement such projects, along with, if possible, an estimate of all incremental costs, of the reductions of emissions and increments of removals of greenhouse gases, as well as an estimate of the consequent benefits.

5. Each developed country Party and each other Party included in annex I shall make its initial communication within six months of the entry into force of the Convention for that Party. Each Party not so listed shall make its initial communication within three years of the entry into force of the Convention for that Party, or of the availability of financial resources in accordance with Article 4, paragraph 3. Parties that are least developed countries may make their initial communication at their discretion. The frequency of subsequent communications by all Parties shall be determined by the Conference of the Parties, taking into account the differentiated timetable set by this paragraph.

6. Information communicated by Parties under this Article shall be transmitted by the secretariat as soon as possible to the Conference of the Parties and to any subsidiary bodies concerned. If necessary, the

procedures for the communication of information may be further considered by the Conference of the Parties.

7. From its first session, the Conference of the Parties shall arrange for the provision to developing country Parties of technical and financial support, on request, in compiling and communicating information under this Article, as well as in identifying the technical and financial needs associated with proposed projects and response measures under Article 4. Such support may be provided by other Parties, by competent international organizations and by the secretariat, as appropriate.

8. Any group of Parties may, subject to guidelines adopted by the Conference of the Parties, and to prior notification to the Conference of the Parties, make a joint communication in fulfilment of their obligations under this Article, provided that such a communication includes information on the fulfilment by each of these Parties of its individual obligations under the Convention.

9. Information received by the secretariat that is designated by a Party as confidential, in accordance with criteria to be established by the Conference of the Parties, shall be aggregated by the secretariat to protect its confidentiality before being made available to any of the bodies involved in the communication and review of information.

10. Subject to paragraph 9 above, and without prejudice to the ability of any Party to make public its communication at any time, the secretariat shall make communications by Parties under this Article publicly available at the time they are submitted to the Conference of the Parties.

ARTICLE 13

RESOLUTION OF QUESTIONS REGARDING IMPLEMENTATION

The Conference of the Parties shall, at its first session, consider the establishment of a multilateral consultative process, available to Parties on their request, for the resolution of questions regarding the implementation of the Convention.

ARTICLE 14

SETTLEMENT OF DISPUTES

1. In the event of a dispute between any two or more Parties concerning the interpretation or application of the Convention, the Parties

concerned shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to the Convention, or at any time thereafter, a Party which is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, in respect of any dispute concerning the interpretation or application of the Convention, it recognizes as compulsory ipso facto and without special agreement, in relation to any Party accepting the same obligation:

(a) Submission of the dispute to the International Court of Justice, and/or

(b) Arbitration in accordance with procedures to be adopted by the Conference of the Parties as soon as practicable, in an annex on arbitration.

A Party which is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedures referred to in subparagraph (b) above.

3. A declaration made under paragraph 2 above shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

4. A new declaration, a notice of revocation or the expiry of a declaration shall not in any way affect proceedings pending before the International Court of Justice or the arbitral tribunal, unless the parties to the dispute otherwise agree.

5. Subject to the operation of paragraph 2 above, if after twelve months following notification by one Party to another that a dispute exists between them, the Parties concerned have not been able to settle their dispute through the means mentioned in paragraph 1 above, the dispute shall be submitted, at the request of any of the parties to the dispute, to conciliation.

6. A conciliation commission shall be created upon the request of one of the parties to the dispute. The commission shall be composed of an equal number of members appointed by each party concerned and a chairman chosen jointly by the members appointed by each party. The commission shall render a recommendatory award, which the parties shall consider in good faith.

7. Additional procedures relating to conciliation shall be adopted by the Conference of the Parties, as soon as practicable, in an annex on conciliation.

8. The provisions of this Article shall apply to any related legal instrument which the Conference of the Parties may adopt, unless the instrument provides otherwise.

ARTICLE 15

AMENDMENTS TO THE CONVENTION

1. Any Party may propose amendments to the Convention.
2. Amendments to the Convention shall be adopted at an ordinary session of the Conference of the Parties. The text of any proposed amendment to the Convention shall be communicated to the Parties by the secretariat at least six months before the meeting at which it is proposed for adoption. The secretariat shall also communicate proposed amendments to the signatories to the Convention and, for information, to the Depositary.
3. The Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting. The adopted amendment shall be communicated by the secretariat to the Depositary, who shall circulate it to all Parties for their acceptance.
4. Instruments of acceptance in respect of an amendment shall be deposited with the Depositary. An amendment adopted in accordance with paragraph 3 above shall enter into force for those Parties having accepted it on the ninetieth day after the date of receipt by the Depositary of an instrument of acceptance by at least three-fourths of the Parties to the Convention.
5. The amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits with the Depositary its instrument of acceptance of the said amendment.
6. For the purposes of this Article, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

ARTICLE 16

ADOPTION AND AMENDMENT OF ANNEXES TO THE CONVENTION

1. Annexes to the Convention shall form an integral part thereof and, unless otherwise expressly provided, a reference to the Convention constitutes at the same time a reference to any annexes thereto. Without

prejudice to the provisions of Article 14, paragraphs 2 (b) and 7, such annexes shall be restricted to lists, forms and any other material of a descriptive nature that is of a scientific, technical, procedural or administrative character.

2. Annexes to the Convention shall be proposed and adopted in accordance with the procedure set forth in Article 15, paragraphs 2, 3, and 4.

3. An annex that has been adopted in accordance with paragraph 2 above shall enter into force for all Parties to the Convention six months after the date of the communication by the Depositary to such Parties of the adoption of the annex, except for those Parties that have notified the Depositary, in writing, within that period of their non-acceptance of the annex. The annex shall enter into force for Parties which withdraw their notification of non-acceptance on the ninetieth day after the date on which withdrawal of such notification has been received by the Depositary.

4. The proposal, adoption and entry into force of amendments to annexes to the Convention shall be subject to the same procedure as that for the proposal, adoption and entry into force of annexes to the Convention in accordance with paragraphs 2 and 3 above.

5. If the adoption of an annex or an amendment to an annex involves an amendment to the Convention, that annex or amendment to an annex shall not enter into force until such time as the amendment to the Convention enters into force.

ARTICLE 17

PROTOCOLS

1. The Conference of the Parties may, at any ordinary session, adopt protocols to the Convention.

2. The text of any proposed protocol shall be communicated to the Parties by the secretariat at least six months before such a session.

3. The requirements for the entry into force of any protocol shall be established by that instrument.

4. Only Parties to the Convention may be Parties to a protocol.

5. Decisions under any protocol shall be taken only by the Parties to the protocol concerned.

ARTICLE 18

RIGHT TO VOTE

1. Each Party to the Convention shall have one vote, except as provided for in paragraph 2 below.
2. Regional economic integration organizations, in matters within their competence, shall exercise their right to vote with a number of votes equal to the number of their member States that are Parties to the Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right, and vice versa.

ARTICLE 19

DEPOSITARY

The Secretary-General of the United Nations shall be the Depositary of the Convention and of protocols adopted in accordance with Article 17.

ARTICLE 20

SIGNATURE

This Convention shall be open for signature by States Members of the United Nations or of any of its specialized agencies or that are Parties to the Statute of the International Court of Justice and by regional economic integration organizations at Rio de Janeiro, during the United Nations Conference on Environment and Development, and thereafter at United Nations Headquarters in New York from 20 June 1992 to 19 June 1993.

ARTICLE 21

INTERIM ARRANGEMENTS

1. The secretariat functions referred to in Article 8 will be carried out on an interim basis by the secretariat established by the General Assembly of the United Nations in its resolution 45/212 of 21 December 1990, until the completion of the first session of the Conference of the Parties.
2. The head of the interim secretariat referred to in paragraph 1 above will cooperate closely with the Intergovernmental Panel on Climate Change to ensure that the Panel can respond to the need for objective scientific

and technical advice. Other relevant scientific bodies could also be consulted.

3. The Global Environment Facility of the United Nations Development Programme, the United Nations Environment Programme and the International Bank for Reconstruction and Development shall be the international entity entrusted with the operation of the financial mechanism referred to in Article 11 on an interim basis. In this connection, the Global Environment Facility should be appropriately restructured and its membership made universal to enable it to fulfil the requirements of Article 11.

ARTICLE 22

RATIFICATION, ACCEPTANCE, APPROVAL OR ACCESSION

1. The Convention shall be subject to ratification, acceptance, approval or accession by States and by regional economic integration organizations. It shall be open for accession from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization which becomes a Party to the Convention without any of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to the Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In their instruments of ratification, acceptance, approval or accession, regional economic integration organizations shall declare the extent of their competence with respect to the matters governed by the Convention. These organizations shall also inform the Depositary, who shall in turn inform the Parties, of any substantial modification in the extent of their competence.

ARTICLE 23

ENTRY INTO FORCE

1. The Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.
2. For each State or regional economic integration organization that ratifies, accepts or approves the Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.
3. For the purposes of paragraphs 1 and 2 above, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by States members of the organization.

ARTICLE 24

RESERVATIONS

No reservations may be made to the Convention.

ARTICLE 25

WITHDRAWAL

1. At any time after three years from the date on which the Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.
2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.
3. Any Party that withdraws from the Convention shall be considered as also having withdrawn from any protocol to which it is a Party.

ARTICLE 26

AUTHENTIC TEXTS

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at New York this ninth day of May one thousand nine hundred and ninety-two.

ANNEX I

Australia
Austria
Belarus a/
Belgium
Bulgaria a/
Canada
Czechoslovakia a/
Denmark
European Community
Estonia a/
Finland
France
Germany
Greece
Hungary a/
Iceland
Ireland
Italy
Japan
Latvia a/
Lithuania a/
Luxembourg
Netherlands
New Zealand
Norway
Poland a/
Portugal
Romania a/
Russian Federation a/
Spain
Sweden
Switzerland
Turkey
Ukraine a/
United Kingdom of Great
Britain and Northern Ireland
United States of America

a/ Countries that are undergoing the process of transition to a market economy.

ANNEX II

Australia
Austria
Belgium
Canada
Denmark
European Community
Finland
France
Germany
Greece
Iceland
Ireland
Italy
Japan
Luxembourg
Netherlands
New Zealand
Norway
Portugal
Spain
Sweden
Switzerland
Turkey
United Kingdom of Great
Britain and Northern Ireland
United States of America

環境と開発に関する北京閣僚宣言

(Beijing Ministerial Declaration on Environment and Development)

1991年 6月19日

我々、41カ国からの閣僚は、中国人民共和国の招待により、1991年 6月18日から19日まで北京において環境と開発に関する閣僚会議に集い、環境と開発の推進のための協力の規範の確立について国際社会が直面する問題を討議して、以下のように宣言する。

- 1 我々は、地球環境がますます悪化していることを深く憂慮する。これは主として、非持続的な開発の形態と生活スタイルよりもたらされたものである。この結果、大地、水、大気といった人の生存に必要な不可欠の基本的要素が著しく驚異にさらされている。さらに深刻で広範囲にわたる環境問題は、大気汚染、気候変動、オゾン層の破壊、淡水資源の枯渇、河川、湖沼及び沿岸域を含む海洋環境の汚染、海洋及び沿岸域資源の劣化、洪水と渇水、土壌の流失、土地の劣化、砂漠化、森林破壊、生物学的多様性の喪失、酸性雨、有害物の拡散と不適切な管理、有毒及び危険な製品及び廃棄物の違法な輸送、都市の肥大、都市及び農村地域の居住及び労働環境とりわけ疫病あるいは類似の問題をもたらす衛生条件の劣化である。これらに加えて、途上国の貧困の問題はさらに悪化しつつあり、人々の正当な要求や希望の阻害要因となって、環境に多大な影響を及ぼしている。
- 2 我々は、環境保護と持続可能な開発とは人類にとって共通の関心事項であり、それは国際社会の効率的な行動を求めるとともに全地球的な協力の機会を提供するものであることを確認する。この認識および現在かつ未来の世代に対する強い懸念を踏まえ、それぞれの分に応じた責任に基づき、又我々の力の及ぶ限りに於いて、以下に述べる一般原則と広範囲な手段を

考慮しつつ、環境保護と持続可能な開発に向けての世界的な努力に積極的に参加するとする我々の真しな誓約をここに再度確認する。

I 一般原則

- 3 環境の変化は経済社会活動に深く関わりあっている。環境問題はそれのみを切り放して論議するべきではなく、経済成長と開発という命題と環境への関心を組み合わせることにより、開発の過程と併せて議論されるべきである。これに関連し、途上国の開発の権利は全面的に尊重されねばならず、地球環境の保護のための手段の採択は途上国の経済成長と開発を支援するものでなければならない。とりわけ、国際社会は制度的、技術的能力の強化を目指す途上国の努力を積極的に支援すべきである。
- 4 途上国のおかれている特異な状況とその必要とするものについては、十分考慮に入れられなければならない。それぞれの国は、その経済的、社会的及び文化的慣習と能力に基づき、技術移転のペースを自らが決定できなければならない。途上国の環境問題は貧困という状況に由来する。先進国から与えられた古い汚染発生型の技術を用いて途上国で開始された開発のプロセスは環境悪化のもう一つの原因であり、言葉をかえれば、開発プロセスの基礎そのものを危うくしている。これは、途上国のみならず、世界の全てに対して悪影響を及ぼしている。持続可能な開発と着実な経済成長はこの貧困と環境破壊のサイクルを打開し、環境保全に対する途上国の能力を強化するものである。後発開発途上国、災害常発途上国、島国及び低地性の開発途上国については国際社会は特別の配慮を行うべきである。
- 5 途上国が直面している現在の国際的な経済関係における不平等性の問題は、とりわけ債務、財政、貿易と技術の移転に関して、資金の逆流、頭脳流出、科学技術の分野の能力の後退など重大な結果をもたらしてきた。途上国における経済開発はこのように抑圧され、世界の環境保全に向けての努力に効率的に参加するためのその能力は阻害されてきている。従って、

環境保護に向けての世界の協力のために必要となる条件の整備に通じる、全ての国々とりわけ途上国の現在及び将来において持続可能な開発を促す新規かつ公平な世界経済秩序の確立が必要不可欠である。各国は何等の障壁もしくは貿易に関して差別を受けることなく、独自にその環境と開発に関する政策を決定することができなければならない。

- 6 環境保護の分野の国際協力は、独立国の間の平等の原則に基づかなければならない。開発途上国は、それぞれの国の自然資源を開発及び環境の目的と優先順位を保持しつつ使用する絶対的な権利を有する。さらに、環境面の配慮は、開発途上国の国内問題への干渉の言い訳のために用いられるべきではなく、援助又は開発金融の条件付けを導入するために用いられるべきものでもない。また、開発途上国の輸出や開発努力に影響を及ぼす関税障壁を課すためのものであってはならない。
- 7 環境保護は、国際社会共通の関心事となる中で、先進国は地球環境の悪化に主要な責任を有している。産業革命以来、先進国は世界の自然資源を過剰に利用し、地球環境への被害、また開発途上国に損害をもたらしてきた。
- 8 環境悪化に対する主要な責任及び大きな資金的技術的能力を考慮すると、先進国は、開発途上国が直面する問題に対処することを援助するのみならず、環境への被害を除去するうえで規範を示すべきである。
- 9 開発途上国は、直面する環境及び開発問題に効果的に取り組むことができるよう十分な、新規かつ追加的な資金を必要としている。開発途上国への環境上健全な技術の特恵的かつ非商業的移転があるべきである。
- 10 開発途上国の側では、とりわけ途上国間で技術協力及び技術移転を強化することによって、環境の保護及び向上に寄与するであろう。

Ⅱ 分野別課題

- 11 土壌劣化、砂漠化、洪水と干ばつ、淡水資源の質及び供給の悪化、土壌

流出、森林破壊及び植生の劣化などが、開発途上国が直面している深刻な環境問題である。これらは、地球環境問題の主要な部分を構成しており、これらの問題にプライオリティが与えられるべきである。これらの問題は国際的な場で議論されてきており、いくつかの行動計画が提案され、あるいは承認されてきた。しかしながら、今までのところ実施に向けた国際社会の有効な行動はほとんどなかった。我々は、特にこのための国際的な資金メカニズムの設立によって、これに関して国際社会が直ちに行動を開始することを強く求める。

- 12 我々は、気候変動をもたらす、地球の生態系、特に開発途上国、とりわけ島及び低地帯の開発途上国に影響を及ぼす温室効果ガスの継続的な増加に重大な関心をもっている。温室効果ガスの排出の責任は、歴史的かつ累積的な見地から、また、先進国については、より多く排出している国がより多く寄与しなければならないと原則に基づき、現在の排出量が検討されるべきである。それゆえ先進国は人為的な気候変動を停止させるための対策の適用、及び開発途上国の環境面での安全及び開発を保障するための特惠的かつ非商業的手段での技術移転を含むメカニズムにコミットすべきである。

- 13 現在交渉過程にある気候変動枠組条約は、温室効果ガスの追加的な排出の主要な責任は歴史的にもまた現在においても先進国にあるということ、そして温室効果ガスの排出は安定化し、削減するために直ちに行動をとらなければならないということを明確に理解している。開発途上国は、近い将来において、どのようなものであっても義務を受け入れることは期待しえない。しかしながら、技術及び経済協力を通じて、経済開発及び気候変動の問題へ取り組む努力の双方にエネルギー需要の増大に対する先入観なしに寄与する、開発途上国の計画、優先順位及びプログラムの中での対策を講じることは奨励されるべきである。枠組み条約は、とりわけ開発途上国への技術移転に向けた先進国の確実なコミット、別個の資金メカニズム、気候変動の主要な原因に対処するための重要なステップを構成する持

続可能な農業施業のみならず経済的に実行可能な新しい再生可能なエネルギー源を含まなければならない。加えて、開発途上国は、気候変動による悪影響に対処するうえで必要となる十分な科学、技術及び経済協力が提供されなければならない。

- 14 我々は、さらにオゾン層保護のためのウィーン条約及び1990年6月に改正されたオゾン層を破壊する物質に関するモントリオール議定書の目的と原則に同意する。改正された議定書に基づく義務の開発途上国による実施は、開発途上国への資金供給及び技術移転の措置が議定書の締約国によって効果的に実施されるか否かにかかっている。我々は、先進国にウィーン条約及び1990年6月に改正されたモントリオール議定書の下で必要とされる十分な資金と迅速な技術移転の長期的な措置に対する先進国のコミットを強く求める。

- 15 我々は、生物学的多様性の急速な消失を懸念する。世界の中のほとんどの生物及び生息地は開発途上国に属しており、開発途上国は年月を超えてそれらを保存するコストを負担してきた。そのような努力は、国際社会によって、また、国際条約及びその後の議定書において認識され、支持されるべきである。各々の国は生物学的資源に関する主権を有しており、したがって、保全のための手段は国家の計画及び優先的な事項と両立できるのでなければならない。現在交渉されている生物学的多様性に関する国際的な法制度は、とりわけ、遺伝物質へのアクセスとバイオテクノロジーの移転との結合、資源を有する国における研究開発、科学的研究成果の共有及び商業的な利益について、はっきりと認識しなければならない。知的所有権の問題は、それがバイオテクノロジーを含む技術移転の障害とならないように円満に解決されなければならない。さらに、国際的な法制度は、生物学的多様性を保存し活用する意味において、多くが開発途上国に居住する農村人口によってなされている革新的な努力を認識し、それに報いるべきである。

- 16 我々は、有害廃棄物及び有害物質の規制と管理は国際協力を必要とする

にもかかわらず、2年前に採択されたバーゼル条約は未だ実施されていないことに注目する。それゆえ、我々は、条約を批准していない国々に対してその参加を考慮するよう促すものである。我々は、すべての国々に対して、責任と補償の制度を準備する段階に入ることを促すものである。すなわち、開発途上国に対する廃棄物の発生が少ない技術の移転メカニズム、廃棄物の固定、分析及び処分に関する能力の開発、そのような能力を有していない開発途上国に対する有害廃棄物の輸出の世界的な禁止を採用するメカニズムについてである。さらに、我々は、特に先進国から開発途上国に対する危険な製品及び廃棄物の絶え間ない不法な輸送について関与している。我々は、先進国に対しそのような輸送を停止するための適切な手段を取るよう促すものである。

- 17 森林に関する地球的な合意に関する提案を含む、森林を保全しその持続可能な管理を促進するための多国間の手段については、森林の有する経済的、社会的及び環境的な潜在性を伸ばすことを目指すべきである。管理計画は、居住地を含む地域社会のニーズを考慮に入れつつ、現存する資源の保全と開発のプライオリティー・目標を統合すべきである。この意味において、持続可能な基礎に立った熱帯林の活用を促進するための開発途上国の特別なプロジェクトを含む努力は、認識され、支持されるべきである。それらは、より価値の付加された木材生産に関わるより良い市場へのアクセスを保証されるとともに、経済的技術の援助をうけられるべきである。同様に、森林保全と開発に関する世界共同体による資金協力を保証することは重要である。この目標に向かって、とりわけ国際社会は世界の緑化に向けて努力を行うとともに、過去においてその広範囲の森林を破壊してきた国は、再植林及び造林を通じて森林の面積を増加させるべきである。
- 18 我々は、砂漠化のプロセスの拡大及び長い干ばつサイクルの継続について深い関心を有する。これらは、主要な環境問題として国際社会から認識されてきたものである。それゆえ、地球の生態系のバランスの保全に貢献し、砂漠化及び干ばつのプロセスを停止させ反転させるため、適切な経済

的、科学的、技術的な資源の供与を含むすべての必要な手段が取れるよう、高いプライオリティをこれらの問題に与える必要がある。

- 19 主に先進国による不法な開発及び汚染に起因した海洋及び沿岸の資源の悪化は、それらに依存する国々にとって深刻な開発の制限要因となる。地域海の保全と利用に関する協力を拡大すること、そして、より良い知識と情報に基づいたその合理的な活用を増進することが必要である。海及び海洋における有害廃棄物、放射性廃棄物の排出は禁止されるべきであり、一方、その他の廃棄物の排出は厳しく規制されるべきである。
- 20 開発途上国における人口集中の進んだ都市においては、資金の不足が基本的な公共サービスの不十分さ、高い限界収益及び都市環境の悪化を引き起こしている。持続可能な開発を財政支援するためのメカニズムを含む都市計画は、都市及び農村の住民の生活の質を上げるために貢献しなければならない。この意味において、持続可能な開発を財政支援するための新しいメカニズムはこれらの問題にプライオリティを与えなければならない。

Ⅲ 横断的事項

- 21 環境保全に関する世界の努力の鍵は、国際社会の可能な限りの広範な参加である。これは、特に開発途上国に対する十分な量の新しい追加的な資金、そして特惠的であつ非商業的な意味での技術移転を含む横断的事項について実質的な進展が見られるかどうか大きく依存している。
- 22 地球環境問題についてのすべての国際的な法制度は、先進国の明白な意味での公約に基づく、十分な量の新しい追加的な資金の供与を含むべきである。鍵となる要因は、資金の妥当性であり、これは、開発途上国にとって、国際的な法制度から導かれる問題への対応、そして、関連の公約の実施において含まれる増加のコストをカバーするのに十分なものでなければならない。先進国からの貢献は、予防措置のみならず過去の行動の蓄積さ

れた影響の緩和のコストをカバーするのに十分なものである必要がある。また、開発途上国は、自発的であることをベースに資金に貢献すべきである。

- 23 長期にわたり存在しているものの現在急速に深刻化しており開発途上国にとって緊急の関心事項となっている環境問題に対処するためには、十分かつ追加的な財政援助を行う特別な環境基金が設立されるべきである。この基金は、水質汚濁、マングローブ林に影響を及ぼす沿岸の汚染、淡水の不足や水資源の劣化、森林破壊、土壌流出及び砂漠化といった特定の国際的な取り決めによりカバーされていない問題に対処するために使われるべきである。また、環境保全技術の移転及び環境保護や科学的技術的研究のための国家の能力を高めるための費用をカバーすべきである。この基金は、開発途上国及び先進国双方の公平な代表の下で管理される必要があり、開発途上国にとってアクセスが容易であることが確保されなければならない。

- 24 我々は、地球環境の保全における科学と技術の重要な役割を強調し、望ましく最適で特権的かつ非商業ベースでの開発途上国への環境保全技術の移転を確実にするための施策をとることの必要性を主張する。開発途上国に対するこれらの技術の移転は、人類共通の利益に対する貢献としてみなされるべきである。先進国は民間部門に対する誘因やその意欲を妨げるものを含め手続きや制度を通じて、開発途上国に対する環境保全技術の移転を促進すべきである。

N 環境と開発に関する国連会議

- 25 国連総会決議44/228に従って、我々は1992年の環境と開発に関する国連会議では気候変動やオゾン層の減少や関連する対応戦略といった地球環境問題のみを議論するべきではないということを強調する。この会議は特に環境に関連した開発問題といった開発途上国が直面している他の地球規

模の問題についても議論するフォーラムとすべきである。この会議で到達した関連する合意は、貿易、財政、技術及び他の類似の問題に関する国際的な協議に対する指針とならなければならない。この適切な結びつきは互いに組み入れられるべきである。

26 我々は、環境と開発に関する会議の結果として提案された地球憲章及びアジェンダ21が国連総会の関連決議の中で具体化されている原則と適合すべきであると信じる。さらに、環境と開発の関係及び開発途上国の特別な状況や必要性に関連した開発途上国の会議の結果を反映したものでなければならない。アジェンダは、環境問題を解決し、開発と重要な関係にある環境を統合することをねらいとする開発途上国の必要性に適合するための行動志向のものでなければならない。

27 我々はまた、開発途上国では貧困が環境問題の根源であると信じる。この会議は、貧困と世界の環境に対するその影響に対処するための巨大な世界プログラムに着手することを提案する新たな力とはずみをもたらさう。

V 環境と開発に関する開発途上国間の調整と協力

28 我々は、種々の国際的なフォーラムにおける環境に関連した努力が開発途上国にとって直接的かつより遠大で密接な関係を持つことに同意する。我々は、開発途上国全体の利益をよりよく保持するといったような、国際的なフォーラムの中での我々の位置をより効果的に表示するため努力をすることに於いて開発途上国として協議と調整を強化することが切迫した仕事であることを強調する。

29 我々は、1990年のニューデリー会議及び北京会議の線に沿って、1992年の会議の準備過程やその他の国際的なフォーラムにおいて開発途上国間での協議と調整をより強化することを決定する。

30 我々は、環境と開発の領域で開発途上国において経済的かつ技術的協力のための方法と手段と様式を探究するべく施策が講じられるべきであると

信じる。このことについては、開発途上国は、より高い生活水準と環境保全を達成する適切な環境上のゴールを設定する努力をすると同時に、そのようなゴールに到達するための経済的かつ技術的な必要性を認定し評価するであろう。

- 31 我々は、国連環境計画の成功がナイロビから始まり、その任務を遂行するためよりよい設備が必要であることを考慮し、国連環境計画の本部及びナイロビの計画活動センターを維持し強化することを支援する。
- 32 我々は、開発過程を妨げることなしに環境保全のための地球規模での努力に十分参加するつもりであり、先進国の積極的かつ建設的かつ実用的な対応によって地球規模での協力のための正しい環境が造られればこれは達成可能であることを再度強調する。我々は、一緒に現在及び将来の世代の福祉を促進することができる。

(環境庁地球環境部仮訳)

参加国リスト

アルジェリア

アルゼンチン

バングラディシュ

ブラジル

カメルーン

チリ

中国

コロンビア

コートジボアール

キューバ

エジプト

エチオピア

フィジー

ガーナ

ガイアナ

インド

インドネシア

イラン

ヨルダン

ケニヤ

マレーシア

マリ

メキシコ

モロッコ

ネパール

ニジェール

ナイジェリア

パキスタン

ペルー

フィリピン

サウジアラビア

セネガル

シンガポール

スーダン

タンザニア

タイ

ウガンダ

ヴェネズエラ

ユーゴスラビア

ザイール

ジンバブエ

環境と開発に関するクアラルンプール宣言

(Kuala Lumpur Declaration on Environment and Development)

1992年 4 月28日

我々55カ国の途上国の大臣は、1992年 4 月26日から29日の間、マレーシア政府の招聘により、クアラルンプールにおける環境と開発に関する大臣会合に参加した。クアラルンプール会合は、1990年 4 月インドのニューデリーで提起されたものであり、1991年 6 月に北京で開催された第 1 回大臣会合のフォローアップにあたる。また、クアラルンプール会合には、11の先進国、10の国際機関及び 9 の N G O からオブザーバーとしての参加があった。

1. 我々は、1989年の国際総会決議44/228にはじまるUNCEDのプロセスに関して、1992年 3 月 2 日から 4 月 3 日までニューヨークで開催された第 4 回準備会合の結果に鑑み、意見を交換した。その結果、我々は、リオの会議が、関連する総会決議、特に国連総会決議44/228に盛り込まれた条項を具体的な形で完全かつ明確に達成することを確保するとする、我々の政府の意志と決意を再確認する。こうした意味から、1992年 6 月 3 ～14日にブラジルのリオデジャネイロで予定されている UNCED においてその解決を見いだすため、現在まだ検討中となっている重要な課題が討議の中心となった。
2. 最終準備会合において多くの分野について進展があったことに留意しつつも、我々は、いくつかの重要な課題、特に資金源及びそのメカニズムに関して進捗がない点を極めて憂慮する。
3. UNCEDは歴史的な重要性を有するものであり、各国政府最高首脳に対し、現在と未来の双方の世代のために、統合され、総合的でさらにバランスのとれた方法で環境と開発に取り組む機会を提供するものである。我々は、

環境の悪化について先進国が主たる責任を有した途上国が持続可能な経済成長と開発を必要としているとの認識のもとに、主権の尊重と国家間の公平と平等に基づく持続可能な開発を達成するための新たなグローバル・パートナーシップを要求する。

4. 開発は、万人及びあらゆる国々が有する基本的な権利である。環境的に健全な惑星は、社会的及び経済的に公正な世界に相応しい。透明性や信頼性があり、意思決定に関して公平な代表性がある他とは別の特定のメカニズムを通じた新規かつ追加的な資金の途上国への移転や、技術の移転方式を含み、環境上健全な開発及びこの目的の達成を支えるような国際経済環境が、国際的な議題の中心とならなければならない。この点に関し、国際貿易のあらゆる国々に対する重要性及び国際経済関係をさらなる改善の必要性の認識のもとに、我々は先進国に対し、多国間貿易交渉のウルグアイ・ラウンドのこれ以上の遅滞なく、バランスがとれ、有意義で、満足のいく結果の確保を求めるものである。我々はさらに、先進国が環境的事由に基づき、特に天然資源を利用した製品や他の関連製品に関して、一方的な国際貿易上の制限を押しつけようとすべきではないことを強調する。
5. 我々は、持続可能な開発の達成の観点から、商品の多様化、加工及び開発を含めた商品価格を安定化しかつ向上させるための国際的な支援措置に関して早急に結論を出し、実施する必要性を再度強調する。
6. 我々は、新たなグローバルパートナーシップを意味あるものとするため、途上国がそれに効果的に参加するための資源を持つべきであることを繰り返し主張する。我々はまた、貧困を根絶すること及び経済的にも環境的にも持続した成長を保証することの緊急な必要性についても強調する。
7. 我々は、持続可能な開発とは、先進国に対してその生産、消費及び流通のパターンを環境上健全な開発に向けて変更させることを余儀なくさせるものであることを主張する。途上国に対しては、持続可能な開発は、生態学的なプロセスに適切に配慮した開発の権利を意味する。先進国は、途上国が持続可能な開発を達成するため、グローバルパートナーシップという

新たな概念を支持すべきである。

8. 北京で開催された「第1回環境と開発に関する開発途上国大臣会合」の原則と目的に基づき、我々は、リオのUNCEDで取り上げられるべき途上国にとって特に重要な中心的課題に対し、以下のような立場について合意する。

環境と開発に関するリオ宣言

9. 我々は、リオ会議でさらに検討ととりまとめを行うべく提案された議長案文に反映されているとおり、「環境と開発に関するリオ宣言」の策定に関してなされた最終準備会合における進展に留意する。途上国によるものを含む留保を想起し、我々は、国連総会決議44/228に沿って同案文をさらに手直しするための手順が必要であることに合意する。

アジェンダ21

10. 我々は、深刻な砂漠化と干魃の問題に対する国際的な努力の必要性に関する認識を含む多くの分野でのアジェンダ21の目的、プログラム及び活動の同定に関して第4回準備会合でなされた進展に留意する。我々は、依然として解決を求められている課題に対して、建設的な姿勢で引き続き参加する意向があることをさらに再確認する。我々は、本プログラムが、各国としての優先順位を支持すべきであること、一体化されたパッケージの形態をとるべきであること及び開発援助へのアクセスに関する新たな条件として、あるいは、各国の政策や戦略を見直すためのいかなる試みとしても用いられるべきでないと考える。我々は、アジェンダ21のプログラムの実施に関する合意は、適切で新規かつ追加的な資金と特恵的なまたは譲許的な条件での技術の途上国への移転の可能性に依拠するものであると確信する。

資 金

11. 我々は、G77及び中国が、UNCED第4回準備会合で提唱した立場を再確認する。

12. 実行手段に関しては、我々は、新規かつ追加的な資金供与が、途上国及び先進国双方において、持続可能な開発の目標に向けて前向きなパートナーシップを確立する基本であると考える。この資金は、先進国が既にコミットしているODAの目標とは別個でかつ追加的に提供されねばならない。アジェンダ21を実施するための特定かつ別個の基金が設置されねばならない。割当制による先進国からの拠出により、資金の流れの予見性が確かなものとされる必要がある。途上国は、任意ベースで拠出することができる。基金の管理運営については、次の諸条件が満たされなければならない。

- (a) 透明性があること。
- (b) プロジェクトの判定基準の設定、プロジェクトの選択及び資金の支出の権限については参加国に平等の発言権を付与し、先進国と途上国との平等なバランスを保つよう、民主的な性格のものであること。
- (c) 全ての途上国に対して、無条件で基金へのアクセスと提供を与えること。及び、
- (d) アジェンダ21を考慮しつつ、途上国の優先順位と必要性に応じて活動資金を提供すること。

以上の条件に照らして、基金の設置場所（複数の場所を含む）及びその管理運営方法については、あらゆる可能性が模索できる。加えて、これらの条件により運営することにより、既存のメカニズムもアジェンダ21の実施のためのまとまった無償及び譲許的資金の提供を最適化するために適宜利用することが可能である。UNCED後のフォローアップにおいては、アジェンダ21のための資金供与の効果的な監視とその目的のためのメカニズ

ムが確立されるべきである。

13. 我々は地球環境と開発のための資金に関する東京宣言に係るイニシアティブを歓迎し、その内容に留意する。

技術移転

14. 我々は、この課題に関する第4回準備会合での進展を認識し、知的所有権が技術の途上国への移転を妨げるべきでないとの認識をふまえ、途上国のアクセスの確保と特恵的かつ譲許的な条件での技術の途上国への移転の必要性を強調する。我々はまた、技術移転の概念が技術協力として言及されることにより薄められるべきでないことを強調する。我々は、国連総会決議44/228の関連条項に沿って、最新技術を含む環境に健全な技術を途上国へ移転するための仕組が早急に構築されるべきであることを強調する。

森林原則に関する声明

15. 我々は、森林生態系及び森林資源は、主権の行使として国家の計画や優先順位に従って、それぞれの国で管理、保全そして開発されるべき財産の一部であることを強調する。
16. 我々は、全ての形態の森林の管理、保全及び開発に関する法的拘束力のない声明の取りまとめ及びリオ会議での採択に対して、全ての国が全面的な支持を寄せることを要求する。原則声明が、植林、造林、再生及び森林資源の持続可能な利用等を通じ、世界の緑化に十分かつ健全な基礎を与えることを考慮すると、森林に関する法的拘束力を持つ手段の交渉の必要はないものとする。
17. 我々はまた先進国に対し、森林率を大幅に増加すること及び途上国からの森林産品及び関連製品の国際貿易の禁止や制限等の独断的又は差別的な行動につながる、環境保全の名の下での一方的な施策を取らないことを要

求する。

機 構

18. 我々は、A/CONF. 151/PC/WG. III/L31 rev. 1 中の合意済みの事項とリオ会議での更なる合意に沿って、アジェンダ21及びその他の UNCED での決定事項をフォローアップするための政府間機構について早期に意志決定を行うことの必要性を強調する。リオ会議は、同会議と第47回国連総会までの間の暫定的な期間についても、資金等の手段の提供について国連総会に対して勧告を行うことができる。さらに、我々は、持続可能な開発を推進するため、国内の及び地域的な機関が強化されるべきであることに合意する。

提案中の気候変動及び生物多様性に関する条約

19. 我々は、気候変動枠組み条約及び生物多様性条約についての現時点での議論の状況に留意し、早く結論を出すことを強く要求する。

気候変動枠組み条約

20. 我々は、気候変動枠組み条約の議論に進展が見られないことに対し、強い懸念を表明する。この意味で、我々は、国連総会決議46/169に従って、政府間交渉委員会が交渉を促進させ、速やかに、成功裏に終了させ、合意されともくされる適切なコミットや関連する法的措置を含めて、気候変動枠組み条約が UNCED 期間中に、採択と署名のための解放を可能ならしめることを強く要求する。我々は、適応及び緩和のための手段を含み、気候変動が途上国にもたらす悪影響について真剣に取り組むべきこれらの交渉の重要性を強調する。このことは、気候変動とその結果としての海面上昇

の影響を受けやすい小島しょ国家や低地の沿岸域を有する国家、災害の
こりやすい途上国、干ばつや砂漠化がこりやすい国々に特に関連が深い。

21. 我々は、先進国に対し、二酸化炭素及びその他の温室効果ガスの排出の安定化及び削減に関して意味のある、具体的なコミットメントを行うよう要求する。
22. 我々はさらに、途上国が気候変動及びその悪影響に適応し、緩和しおよびそれらと戦うことが可能となるよう、先進国が途上国に対し資金の提供と技術の移転に関するコミットメントを行うべきであることを強調する。我々はまた、条約の実施のため基金はこの条約にもとづき設置されるべきであることを強調する。
23. 我々は、製造、加工、輸出及び／又は化石燃料の消費とそれに関連するエネルギー集約型の製品によりもたらされる収入にその経済がもっぱら依存している途上国に対し条約がもたらす問題について懸念を表明する。
24. 我々は、条約の施行メカニズムが、持続可能な開発のための国家政策、計画、施策を決定するそれぞれの国家の主権に十分配慮すべきであることを改めて主張する。

生物多様性条約

25. 我々は生物多様性条約の交渉の進捗に留意し、自らが有する生物及び種の資源の利用に関する当該国家の主権を再確認する。
26. 我々は生物及び種の資源をその他において保持している国々の権利を保障する制度を構築するための条約の必要性を強調する。この意味において、生物多様性条約には、遺伝子から生み出される製品及び利益の分配と同様、途上国に存する遺伝子資源へのアクセスとバイオテクノロジー及び研究能力の先進国から途上国への移転との間に連関を確保するための法的拘束力のある取り決めが含まれるべきであることを再度主張する。
27. 我々は途上国がすでに生物資源を持続可能な手段で活用するとともに

保全のための手だてを講じつつある事を認識し、そのような努力が先進国により資金及びその他の供給を通じて支持されるべきであることを主張する。

28. 我々は生物多様性条約のもとでの「地球レベルで重要な生物分布地域の世界リスト」は必要でないと考える。

29. 我々はまた、条約に基づき負うこととなる責務を途上国が全うすることができるよう、本条約に基づく基金が設立されるべきであることを主張する。

途上国間協力

30. 我々は開発の加速を図るため、相互に受け入れ可能な条件下で、全てのレベルでの定期的な協議及び環境上健全な科学的、技術的知見の交換を通じて、環境と開発に関する途上国間協力を推進する必要性を認識する。我々は、リオデジャネイロで採択される決議の推移を見守るとともに協力を推進するため、大臣レベル、科学者及びその他の専門家レベルでの定期的な協議の必要性に同意する。

(環境庁地球環境部仮訳)

(別添1) 会議への参加国(発展途上国)

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| 1. アルジェリア | 29. モーリタニア |
| 2. アルゼンチン | 30. モーリシャス |
| 3. バングラディシュ | 31. メキシコ |
| 4. バーバドス | 32. モロッコ |
| 5. ベニン | 33. ネパール |
| 6. ブラジル | 34. ナイジェリア |
| 7. ブルネイ | 35. オマーン |
| 8. チリ | 36. パキスタン |
| 9. 中国 | 37. パレスチナ |
| 10. コロンビア | 38. パプアニューギニア |
| 11. コートジボアール | 39. ペルー |
| 12. キューバ | 40. フィリピン |
| 13. 北朝鮮 | 41. 韓国 |
| 14. エジプト | 42. サウジアラビア |
| 15. エチオピア | 43. セネガル |
| 16. フィジー | 44. シンガポール |
| 17. ガーナ | 45. スーダン |
| 18. ギアナ | 46. タンザニア |
| 19. インド | 47. タイ |
| 20. インドネシア | 48. チュニジア |
| 21. イラン | 49. ウガンダ |
| 22. ヨルダン | 50. バヌアツ |
| 23. ケニア | 51. ベネズエラ |
| 24. リビア | 52. ベトナム |
| 25. マレーシア | 53. ユーゴスラビア |
| 26. モルディブ | 54. ザイール |
| 27. マリ | 55. ジンバブエ |
| 28. マルタ | |

(別添2) 会議のオブザーバー

先進国

- | | |
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| 1. オーストラリア | 7. ノルウェー |
| 2. カナダ | 8. ポルトガル |
| 3. ドイツ | 9. スウェーデン |
| 4. フランス | 10. イギリス |
| 5. 日本 | 11. アメリカ |
| 6. オランダ | |

国際機関

- | | |
|---------------------|--------------------|
| 1. 国連環境開発会議 (UNCED) | 6. ヨーロッパ共同体 (EC) |
| 2. 国連開発計画 (UNDP) | 7. 世界気象機関 (WMO) |
| 3. 経済社会開発局 (DESD) | 8. アセアン事務局 |
| 4. 国際熱帯木材機関 (ITTO) | 9. 国際農業開発基金 (IFAD) |
| 5. 国連環境計画 (UNEP) | 10. アジア湿地局 |

その他

1. アフリカ民族会議 (ANC)

NGO

- | | |
|-----------------------------|------------------------------|
| 1. SUNS | 6. マレーシア消費者協会連合 |
| 2. 第3世界ネットワーク | 7. 遺伝子資源 |
| 3. 技術・天然資源研究基金 | 8. 持続可能な開発のためのビジネス・
カウンスル |
| 4. マレーシア環境保全協会 | 9. 世界野生生物基金 |
| 5. SAHABAT ALAM
MALAYSIA | |