



Montevideo Programme

for the Development and Periodic Review
of Environmental Law

**PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW
OF ENVIRONMENTAL LAW**

**(Ad Hoc Meeting of Senior Government Officials Expert
in Environmental Law, Montevideo, 6 November 1981;
Decision 10/21 of the Governing Council of UNEP, of
31 May 1982)**

I. CONCLUSIONS AND RECOMMENDATIONS OF MONTEVIDEO

The Senior Government Officials Expert in Environment Law, having met in Montevideo from 28 October to 6 November 1981 to establish a framework, methods and programme, including global, regional and national efforts, for the development and periodic review of environmental law, and to contribute to the preparation and implementation of the environmental law component of the system-wide medium-term environment programme,

Appreciating the significant work done in the field of environmental law since the Stockholm Conference on the Human Environment of 1972, by Governments as well as in the context of UNEP, the specialized agencies and other organizations within and outside the United Nations system,

Recalling Governing Council decisions 8/15 and 9/19 A of 29 April 1980 and 26 May 1981 respectively, as well as General Assembly resolution 35/75 of 5 December 1980, concerning the holding of their meeting,

Noting with satisfaction the results achieved by the preparatory committee (UNEP/WG.60/3 and Corr.1) and the meeting of experts of some developing countries (UNEP/WG.60/3, annex IV),

Recognizing that the continuation of the valuable work done in the field of the codification and progressive development of environmental law will make an important contribution to the atmosphere of international co-operation, mutual understanding and friendly relations among States,

1. Express the conviction that environmental law is an essential instrument for proper environmental management and the improvement of the quality of life;

2. Conclude:

(a) That guidelines, principles or agreements should be developed in accordance with the agreed objectives and strategies set out in chapter II below as regards the following major subject areas:

- (i) Marine pollution from land-based sources;
- (ii) Protection of the stratospheric ozone layer;
- (iii) Transport, handling and disposal of toxic and dangerous wastes.

(b) That the following subject areas also call for action in accordance with the agreed objectives and strategies set out in chapter II below:

- (i) International co-operation in environmental emergencies;
- (ii) Coastal zone management;
- (iii) Soil conservation;
- (iv) Transboundary air pollution; ozone, climate change;

- (v) International trade in potentially harmful chemicals;
- (vi) Protection of rivers and other inland waters against pollution;
- (vii) Legal and administrative mechanisms for the prevention and redress of pollution damage;
- (viii) Environmental impact assessment.

(c) That work should be done to promote the general development of environment law;

3. Decide to request the Governing Council at its tenth session to:

(a) Adopt the programme for the development and periodic review of environmental law set out in chapter II below;

(b) Request the Executive Director to ensure the inclusion of elements of the programme in the system-wide medium-term environment programme, and to that end make every effort to continue and strengthen the co-operation with specialized agencies and other parts of the United Nations system, taking into account their respective mandates and programmes in the field of environmental law;

(c) Define the role of the United Nations Environment Programme with respect to the promotion and co-ordination of the expeditious implementation of the programme, including consideration of the possible need for the organization or reinforcement of appropriate institutional arrangements, at the secretariat level as well as at the intergovernmental level;

(d) Call upon the United Nations organizations and bodies to co-operate fully with the United Nations Environment Programme in the further development and implementation of the programme;

(e) Encourage Governments within their capabilities to commit the resources required at the national and international levels for the implementation of the programme;

(f) Further call upon intergovernmental organizations outside the United Nations system, as well as non-governmental organizations active in the field of environmental law, to co-operate in the implementation of the programme;

(g) Stress the importance of the adoption and practical application of the principles, guidelines and agreements elaborated in the process of implementation of the programme;

4. Further decide to request the Governing Council at its tenth session to ensure:

(a) That the programme for the development and periodic review of environmental law is action-oriented and is seen in the context of and related to other substantive environmental issues addressed by the United Nations Environment Programme;

(b) That the programme is directed to harmonizing developmental and environmental concerns by the adoption of an integrated and co-ordinated approach in all aspects of environmental legislation and its application;

(c) That, in the process of the codification, progressive development and implementation of environmental law, particular attention is paid to the interests and capabilities of developing countries, especially their need for technical co-operation and other appropriate assistance in the field of institution building, education, training and information regarding environmental law.

II. PROGRAMME FOR THE DEVELOPMENT AND PERIODIC REVIEW OF ENVIRONMENTAL LAW

A. SUBJECT AREAS, OBJECTIVES AND STRATEGIES

1. The following subject areas are proposed as a non-exhaustive list of elements for the programme, referred to in Governing Council decision 9/19 A.

1. Major subject areas

(a) Marine pollution from land-based sources

Objective

To prevent, reduce and control pollution of the marine environment from land-based sources, including the effects of such pollution on coastal areas, and to minimize the adverse effects that have already occurred.

Strategy

Implementation and further development of specific regional, subregional or, as appropriate, bilateral agreements, as well as national legislation to give effect to such agreements, bearing in mind, *inter alia*, the results of the Third United Nations Conference on the Law of the Sea; taking account of these developments, preparation of guidelines or principles which could lead to a global convention, with a view in particular to co-ordinating the work undertaken within the framework of existing regional agreements.

(b) Protection of the stratospheric ozone layer

Objective

To limit, reduce and prevent activities which have or are likely to have adverse effects upon the stratospheric ozone layer.

Strategy

Continuation of the work already initiated by the Governing Council aimed at the elaboration and establishment of a global framework convention (decision 9/13 B).

(c) Transport, handling and disposal of toxic and dangerous wastes

Objective

To prevent, reduce and control damage, and the risk thereof, from local and international transport as well as from handling and disposal of wastes that are toxic and dangerous to human health and to the environment.

Strategy

Preparation, at the global level, of guidelines, principles or conventions, as appropriate; development and implementation of guidelines and principles through specific regional, subregional or bilateral agreements, as well as by means of national legislation.

Other subject areas

(a) International co-operation in environmental emergencies

Objective

To encourage prompt international co-operation at all levels to deal effectively with environmental emergencies.

Strategy

Preparation of a global code of conduct or, alternatively, a global convention; application of that instrument at the regional, subregional and national levels by means of agreements and legislation of a more specific character.

(b) Coastal zone management

Objective

To limit, reduce and prevent the harmful effects of activities with respect to the marine environment, in particular in coastal zones.

Strategy

Preparation of international rules and standards, and the taking of appropriate action at the regional, subregional and national levels, particularly in the case of endangered areas, bearing in mind, inter alia, the results of the Third United Nations Conference on the Law of the Sea.

(c) Soil conservation

Objective

To prevent or control the degradation of the sustainable productive capacity of soil provoked by human activities causing consequences such as erosion, desertification, salination, deforestation, over-exploitation of the subsoil, pollution, inadequate utilization and management of soil resources, and excessive use of land by urbanization and industrialization, as well as to rehabilitate degraded soil.

Strategy

International encouragement at all levels of full support for the World Soil Charter, the relevant elements of the World Conservation Strategy and the Plan of Action to Combat Desertification; promotion at the national level of greater emphasis on measures to promote soil conservation in legislation relating to, for example, pollution control, forestry, agriculture, rural management and water management.

(d) Transboundary air pollution

Objective

To further international co-operation to prevent air pollution and its dangerous impact on the ecosystems of a State by causes originating in another State.

Strategy

Preparation of a code of conduct establishing guidelines on the subject.

(e) International trade in potentially harmful chemicals

Objective

To control international trade in hazardous or inadequately tested chemicals, particularly where the sale of such substances has already been banned or restricted in the producing country.

Strategy

Preparation of guidelines at the global level as a first step towards a global convention; development and implementation of internationally harmonized practices, in particular for the gathering and dissemination of information.

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

Objective

To limit, reduce and control the degradation of fresh waters as a result of the discharge of pollutants or by reason of other harmful activities.

Strategy

In the case of international inland waters, preparation of guidelines, principles and, when necessary, agreements at the appropriate levels. In the case of national inland waters, promotion of the need for greater emphasis in legislation on measures to regulate strictly the discharge of polluting

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