

THE DECLARATION OF THE HAGUE ON THE PROTECTION OF THE ATMOSPHERE

The right to live is the right from which all other rights stem. Guaranteeing this right is the paramount duty of those in charge of all States throughout the world.

Today, the very conditions of life on our planet are threatened by the severe attacks to which the Earth's atmosphere is subjected.

Authoritative scientific studies have shown the existence and scope of considerable dangers linked in particular to the warming of the atmosphere and to the deterioration of the ozone layer. The latter has already led to action, under the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol, while the former is being addressed by the Intergovernmental Panel on Climate Change established by UNEP and WMO, which has just begun its work. In addition the U.N. General Assembly adopted Resolution 43/53 on the Protection of the Global Climate in 1988, recognizing climate change as a common concern of mankind.

According to present scientific knowledge, the consequences of these phenomena may well jeopardise ecological systems as well as the most vital interests of mankind at large.

Because the problem is planet-wide in scope, solutions can only be devised on a global level. Because of the nature of the dangers involved, remedies to be sought involve not only the fundamental duty to preserve the ecosystem, but also the right to live in dignity in a viable global environment, and the consequent duty of the community of nations vis-a-vis present and future generations to do all that can be done to preserve the quality of the atmosphere.

Therefore we consider that, faced with a problem the solution to which has three salient features, namely that it is vital, urgent and global, we are in a situation that calls for implementation of existing principles but also for a new approach, through the development of new principles of international law including new and more effective decision-making and enforcement mechanisms.

What is needed here are regulatory, supportive and adjustment measures that take into account the participation and potential contribution of countries which have reached different levels of development. Most of the emissions that affect the atmosphere at present originate in the industrialised nations. And it is in these same nations that the room for change is greatest, and these nations are also those which have the greatest resources to deal with this problem effectively.

The international community and especially the industrialised nations have special obligations to assist developing countries which will be very negatively affected by changes in the atmosphere although the

* [This document was provided by the Department of Foreign Affairs and Trade in the Department's publication "Backgrounder".]

- 2 -

responsibility of many of them for the process may only be marginal today.

Financial institutions and development agencies, be they international or domestic, must co-ordinate their activities in order to promote sustainable development.

Without prejudice to the international obligations of each state, the signatories acknowledge and will promote the following principles:

- A) The principle of developing, within the framework of the United Nations, new institutional authority, either by strengthening existing institutions or by creating a new institution which, in the context of the preservation of the Earth's atmosphere, shall be responsible for combatting any further warming of the atmosphere and shall involve such decision-making procedures as may be effective even if, on occasion, unanimous agreement has not been achieved.
- B) The principle that this institutional authority undertake or commission necessary studies, be granted appropriate information upon request, ensure the circulation and exchange of scientific and technological information - including facilitation of access to the technology needed - develop instruments and define standards to enhance or guarantee the protection of the atmosphere and monitor compliance herewith.
- C) The principle of appropriate measures to promote the effective implementation of and compliance with the decisions of the new institutional authority, decisions which will be subject to control by the International Court of Justice.
- D) The principle that countries to which decisions taken to protect the atmosphere shall prove to be an abnormal or special burden, in view, inter alia, of the level of their development and actual responsibility for the deterioration of the atmosphere, shall receive fair and equitable assistance to compensate them for bearing such burden. To this end mechanisms will have to be developed.
- E) The negotiation of the necessary legal instruments to provide an effective and coherent foundation, institutionally and financially, for the aforementioned principles.

The Heads of State and Government or their Representatives, who have expressed their endorsement on this Declaration by placing their signatures under it, stress their resolve to promote the principles thus defined by:

furthering the development of their initiative within the United Nations and in close co-ordination and collaboration with the existing agencies set up under the auspices of the United Nations;

inviting all states of the world and the international organis-

- 3 -

ations competent in this field to join in developing, taking into account studies of the IPCC, the framework conventions and other legal instruments necessary to establish institutional authority and to implement the other principles stated above to protect the atmosphere and to counter climate change, particularly global warming;

urging all states and the international organisations competent in this field of the world to sign and ratify conventions relating to the protection of nature and the environment;

calling upon all states of the world to endorse the present Declaration.

The original of this Declaration, drawn up in French and English, will be transmitted to the Government of the Kingdom of the Netherlands which will retain it in its archives. Each of the participating States will receive from the Government of the Kingdom of the Netherlands a true copy of this Declaration.

The Prime Minister of the Netherlands is requested to transmit the text of this Declaration, which is not eligible for registration under Article 102 of the Charter of the United Nations, to all members of the United Nations.

The Hague, 11 March 1989.

Helmuth Kohl
Chancellor of the Federal Republic of Germany.

Gareth Evans
Minister for Foreign Affairs and Trade of Australia

Paulo Tarso Flecha de Lima
Secretary General of External Relations of the Federative Republic of Brazil.

Brian Mulroney
Prime Minister of Canada

Felix Houphouet-Boigny
President of the Republic of Cote d'Ivoire

Muhammed Hosni Mubarak
President of the Arab Republic of Egypt

Felipe Gonzalez
Prime Minister of Spain

Francois Mitterand
President of the French Republic

Miklos Nemeth
Prime Minister of the Hungarian Peoples's Republic

P.V. Narasimha Rao
Minister of External Affairs of India

Emil Salim
Minister of State for Population and Environment of the Republic of Indonesia

Giorgio Ruffolo
Minister of the Environment of Italy

Masahisa Aoki
Minister of State of Japan

Hussein Ibn Talal
King of the Hashemite Kingdom of Jordan

Daniel Toroitich arap Moi
President of the Republic of Kenya

Edward Fenech Adami
Prime Minister of the Republic of Malta

Gro Harlem Brundtland
Prime Minister of the Kingdom of Norway

Geoffrey Palmer
Deputy Prime Minister of New Zealand

Ruud Lubbers
Prime Minister of the Kingdom of the Netherlands

Abdou Diouf
President of the Republic of Senegal

Ingvar Carlsson
Prime Minister of the Kingdom of Sweden

Hedi Baccouche
Prime Minister of the Tunisian Republic

Enrique Colmenares Finol
Minister for Environment of the Republic of Venezuela

Robert Gabriel Mugabe
President of the Republic of Zimbabwe.

"DECLARATION OF THE HAGUE ON PROTECTION OF THE ATMOSPHERES"*

"This is the biggest problem, the biggest challenge faced by man in this or any other age.....The Declaration is eloquent testament to our determination - as a representative group of Nations of this Earth - to act promptly and effectively to meet this challenge."

- Senator Gareth Evans, Minister for Foreign Affairs and Trade of Australia, on the adoption of The Declaration of The Hague, 11 March 1989.

DECLARATION OF THE HAGUE

The right to live is the right from which all other rights stem. Guaranteeing this right is the paramount duty of those in charge of all States throughout the world.

Today, the very conditions of life on our planet are threatened by the severe attacks to which the Earth's atmosphere is subjected.

Authoritative scientific studies have shown the existence and scope of considerable dangers linked in particular to the warming of the atmosphere and to the deterioration of the ozone layer. The latter has already led to action, under the 1985 Vienna Convention for the Protection of the Ozone Layer and the 1987 Montreal Protocol, while the former is being addressed by the Intergovernmental Panel on Climate Change established by UNEP and WMO, which has just begun its work. In addition the U.N. General Assembly adopted Resolution 43/53 on the Protection of the Global Climate in 1988, recognizing climate change as a common concern of mankind.

According to present scientific knowledge, the consequences of these phenomena may well jeopardise ecological systems as well as the most vital interests of mankind at large.

Because the problem is planet-wide in scope, solutions can only be devised on a global level. Because of the nature of the dangers involved, remedies to be sought involve not only the fundamental duty to preserve the ecosystem, but also the right to live in dignity in a viable global environment, and the consequent duty of the community of nations vis-a-vis present and future generations to do all that can be done to preserve the quality of the atmosphere.

Therefore we consider that, faced with a problem the solution to which has three salient features, namely that it is vital, urgent and global, we are in a situation that calls for implementation of existing principles but also for a new approach, through the development of new principles of international law including new and more effective decision-making and enforcement mechanisms.

What is needed here are regulatory, supportive and adjustment measures that take into account the participation and potential contribution of countries which have reached different levels of development. Most of the emissions that affect the atmosphere at present originate in the industrialised nations. And it is in these same nations that the room for change is greatest, and these nations are also those which have the greatest resources to deal with this problem effectively.

The international community and especially the industrialised nations have

*This document was provided by the Department of Foreign Affairs and Trade in the Department's publication "Background".

2

special obligations to assist developing countries which will be very negatively affected by changes in the atmosphere although the responsibility of many of them for the process may only be marginal today.

Financial institutions and development agencies, be they international or domestic, must co-ordinate their activities in order to promote sustainable development.

Without prejudice to the international obligations of each state, the signatories acknowledge and will promote the following principles:

A) The principle of developing, within the framework of the United Nations, new institutional authority, either by strengthening existing institutions or by creating a new institution, which, in the context of the preservation of the Earth's atmosphere, shall be responsible for combating any further warming of the atmosphere and shall involve such decision-making procedures as may be effective even if, on occasion, unanimous agreement has not been achieved.

B) The principle that this institutional authority undertake or commission necessary studies, be granted appropriate information upon request, ensure the circulation and exchange of scientific and technological information - including facilitation of access to the technology needed - develop instruments and define standards to enhance or guarantee the protection of the atmosphere and monitor compliance herewith.

C) The principle of appropriate measures to promote the effective implementation of and compliance with the decisions of the new institutional authority, decisions which will be subject to control by the International Court of Justice.

D) The principle that countries to which decisions taken to protect the atmosphere shall prove to be an abnormal or special burden, in view, inter alia, of the level of their development and actual responsibility for the deterioration of the atmosphere, shall receive fair and equitable assistance to compensate them for bearing such burden. To this end mechanisms will have to be developed.

E) The negotiation of the necessary legal instruments to provide an effective and coherent foundation, institutionally and financially, for the aforementioned principles.

The Heads of State and Government or their Representatives, who have expressed their endorsement on this Declaration by placing their signatures under it, stress their resolve to promote the principles thus defined by:

furthering the development of their initiative within the United Nations and in close co-ordination and collaboration with the existing agencies set up under the auspices of the United Nations;

inviting all states of the world and the international organisations competent in this field to join in developing, taking into account studies of the IPCC, the framework conventions and other legal instruments necessary to establish institutional authority and to implement the other principles stated above to protect the atmosphere and to counter climate change, particularly global warming;

urging all states and the international organisations competent in this field of the world to sign and ratify conventions relating to the protection of nature and the environment;

calling upon all states of the world to endorse the present Declaration.

The original of this Declaration, drawn up in French and English, will be transmitted to the Government of the Kingdom of the Netherlands, which will retain it in its archives. Each of the participating States will receive from the Government of the Kingdom of the Netherlands a true copy of this Declaration.

The Prime Minister of the Netherlands is requested to transmit the text of this Declaration, which is not eligible for registration under Article 102 of the Charter of the United Nations, to all members of the United Nations.

The Hague, 11 March 1989.

SIGNATORIES

Helmuth Kohl
Chancellor of the Federal Republic of Germany.

Gareth Evans
Minister for Foreign Affairs and Trade of Australia

Paulo Tarso Flecha de Lima
Secretary General of External Relations of the Federative Republic of Brazil.

Brian Mulroney
Prime Minister of Canada

Felix Houphouet-Boigny
President of the Republic of Cote d'Ivoire

Muhammed Hosni Mubarak
President of the Arab Republic of Egypt

Felipe Gonzalez
Prime Minister of Spain

Francois Mitterand
President of the French Republic

Miklos Nemeth
Prime Minister of the Hungarian Peoples's Republic

P. V. Narasimha Rao
Minister of External Affairs of India

Emil Salim
Minister of State for Population and Environment of the Republic of Indonesia

Giorgio Ruffolo
Minister of the Environment of Italy

Masahisa Aoki
Minister of State of Japan

Hussein Ibn Talal
King of the Hashemite Kingdom of Jordan

Daniel Toroitich arap Moi
President of the Republic of Kenya

Edward Fenech Adami
Prime Minister of the Republic of Malta

Gro Harlem Brundtland
Prime Minister of the Kingdom of Norway

Geoffrey Palmer
Deputy Prime Minister of New Zealand

Ruud Lubbers
Prime Minister of the Kingdom of the Netherlands

Abdou Diouf
President of the Republic of Senegal

Ingvar Carlsson
Prime Minister of the Kingdom of Sweden

Hedi Baccouche
Prime Minister of the Tunisian Republic

Enrique Colmenares Finol
Minister for Environment of the Republic of Venezuela

Robert Gabriel Mugabe
President of the Republic of Zimbabwe.