

RES 3.021 International Covenant on Environment and Development

RECALLING Resolution 1.66 *Draft International Covenant on Environment and Development* adopted at the 1st IUCN World Conservation Congress and Recommendation 2.96 *Earth Charter and draft International Covenant* adopted at the 2nd IUCN World Conservation Congress;

NOTING that the IUCN *Draft International Covenant on Environment and Development* was first launched at the United Nations Congress on Public International Law held in New York on 13 March 1995;

FURTHER NOTING that the first revised text of the *Draft Covenant* was presented to the Member States of the United Nations on the occasion of the closing of the United Nations *Decade of International Law*;

RECOGNIZING that the second revised text of the *Draft Covenant* was presented to the Member States of the United Nations on the occasion of the 59th Session of the General Assembly;

FURTHER RECOGNIZING that the *Plan of Implementation* adopted at the World Summit on Sustainable Development (Johannesburg, 2002) has reaffirmed the international consensus on legal principles, rights and obligations for environmental conservation and sustainable development through a renewed pledge by states and governments to ensure implementation at global, regional and national levels;

GRATEFULLY ACKNOWLEDGING the participation of distinguished experts, including representatives of the United Nations system, at a meeting held at the IUCN Environmental Law Centre in Bonn, Germany (10–11 March 2003), convened by the IUCN Commission on Environmental Law and the International Council of Environmental Law, in order to review the results of Johannesburg and other recent developments in international environmental law;

EXPRESSING further gratitude to the participating organizations and individuals who helped to revise the text of the *Draft Covenant* based on the results of the above-named meeting and to update the extensive *Commentary* that provides further insight into the legal foundations and precedents on which the collected principles are based;

THANKING ESPECIALLY the Elizabeth Haub Foundation for Environmental Policy and Law – Canada for providing the necessary funds for organizing the meeting, producing and publishing the revised edition of the *Draft Covenant*, as well as distributing it to Member States of the United Nations;

ENCOURAGED by the continued initiatives driven forward within the framework of the United Nations to strengthen international law;

MINDFUL that the *Draft Covenant* was drafted by the IUCN Commission on Environmental Law and the International Council of Environmental Law as a model for an international framework agreement consolidating existing legal principles related to the environment and development which is to serve as a possible basis for multilateral negotiations on this subject;

CONVINCED that the *Draft Covenant* serves another important function of collecting and codifying accepted norms and well-established principles on the conservation of the environment and sustainable development and therefore must be continuously updated as a ‘living document’ until it has served the above-mentioned purpose;

AWARE that the current and past editions of the *Draft Covenant* have been used by legislators as well as the responsible ministers and civil servants in many states as an authoritative reference, as well as a useful checklist for national legislation designed to foster sustainable development;

FURTHER AWARE that diplomats at international negotiations use the *Draft Covenant* as a guide to ensure consistency among treaty obligations for sustainable development and to coordinate their positions with respect to prospective multilateral agreements;

PLEASED that the most notable example of the above is the recently revised text of the 1968 African Convention (Algiers Convention) on the Conservation of Nature and Natural Resources which builds extensively on the *Draft Covenant*; and

NOTING with appreciation the release of the 3rd Edition of the *IUCN Draft International Covenant on Environment and Development*;

The World Conservation Congress at its 3rd Session in Bangkok, Thailand, 17–25 November 2004:

1. REQUESTS the IUCN Director General to:

(a) continue to promote the *Draft Covenant* among the membership of IUCN as well as other states and organizations associated with the work of IUCN;

(b) use the principles contained within the *Draft Covenant* as a source of guidance for the legal and policy advice of IUCN and its components; and

(c) ensure that the IUCN Commission on Environmental Law continues to serve as a custodian of the *Draft Covenant* and ensure that its text will be revised at necessary intervals in order to reflect important developments in international law pertaining to sustainable development and environmental conservation; and

2. STRONGLY RECOMMENDS that the *Draft Covenant* be used as guidance for negotiations on multilateral treaties, as well as for the drafting of national legislation and policy directives.

The Department of State, United States, provided the following statement for the record:

State and agency members United States voted against this motion.