



No. 1130

6th February 1989

Dear Prime Minister,

The Netherlands Prime Minister, Mr Ruud Lubbers, has instructed me to convey to you the following message:

Quote

The Rt Hon Margaret Thatcher, MP
Prime Minister of the United Kingdom
10 Downing Street
London
United Kingdom.

Dear Margaret,

An important conference on the question of the Ozone Layer is being held in London from 5 to 7 March. I understand that this conference is to be attended by Ministers and specialists of a high calibre in the field concerned, and that The Netherlands will also be contributing to it. This is one important indication among others that, happily, international environmental awareness is growing. As I share that awareness, I too was keen to support the initiative by the French Prime Minister, Michel Rocard. During the contacts which we had on this subject last autumn I stressed the importance of co-ordinating action effectively with the work being done elsewhere, and notably at the United Nations. Accordingly, I secured the participation of Mrs Brundtland, the Prime Minister of Norway, as a co-sponsor to the project.

The Rt Hon Margeret Thatcher, MP
The Prime Minister
10 Downing Street
London SW1.

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The resulting consultations between Mr Rocard, Mrs Brundtland and myself yielded results. Although I know that you will be meeting our French counterpart in the next few days, I felt that it was important, in view of our good relations, to inform you of the matter directly. Another important reason for doing so was that I regard the conference which is now planned for The Hague as a good 'institutional' follow-up to the more substantive and specialised conference in London.

I am alluding to the fact that, as you probably already know from other sources, a conference of Heads of State or of Government is to be held in The Hague on 11 March 1989, on the initiative of France, Norway and The Netherlands, with the aim of adopting a declaration along the lines of the enclosed draft, in which the signatory states would undertake to set up an authority under the auspices of the United Nations with a mandate to take vigorous action to prevent the further warming of the earth's atmosphere and depletion of the ozone layer. We believe that adequate powers should be vested in the authority to enable it to achieve this purpose.

In our view, these far-reaching institutional measures are necessary on account of the serious dangers which current developments and processes pose in the longer term to the environment on which life depends and to mankind. At present the following countries have been invited to sign this declaration in The Hague and have responded positively:

Spain (accepted), Gonzalez (accepted)
FRG (accepted), Kohl (accepted)
Tunisia (accepted), Ben Ali (accepted)
Jordan (accepted), Houssein (accepted)
Brazil (accepted), Sarney (accepted)
Australia (accepted), Hawke
New Zealand (accepted), Lange (accepted)
Senegal (accepted), Diouf (accepted)
Sweden (accepted), Carlsson (accepted)
Malta (accepted), Adami (accepted)
Ivory Coast (accepted), Houphouet Boigni (accepted)
Japan (accepted), Takeshita

Canada (accepted), Mulroney (accepted)
Venezuela (accepted), Perez (accepted)
Zimbabwe (accepted), Mugabe (accepted)
Egypt (accepted), Mubarak (accepted)
Hungary (accepted), Nemeth (accepted).

We expect responses from six other countries, including the UK.

It is also envisaged that the UN Secretary-General, the Director of UNEP, the Director of the WMO and the President of the EC Commission would be invited.

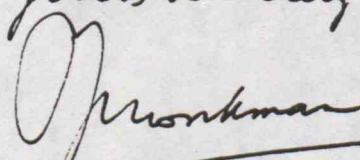
I consider it most important that this initiative should have the support of the Prime Minister of the United Kingdom, particularly because this would underline the growing unanimity of major countries of the European Community in recognising the seriousness of the situation and demonstrating their readiness to adopt a vigorous approach to this problem, the solution of which is crucial to the future of mankind.

Ruud Lubbers
Prime Minister of The Netherlands

Unquote

I have the honour to enclose the texts of:

1. the English translation of the official letter of invitation to the conference in The Hague of 11 March 1989, signed by the Prime Ministers of Norway, The Netherlands and France.
2. draft 'Declaration of The Hague'.

yours sincerely,

(P.J.H. Jonkman)
Ambassador

English translation of the official letter of invitation to the conference in The Hague of 11 March 1989.

As the nineteen-eighties come to a close, we have all become aware of the threats to which our common environment is subjected. The scope and complexity of these threats have grown considerably, as population and production levels increased. Insofar as they have come to bear on the atmosphere which makes life possible on our planet these threats clearly show that there are limits that cannot be trespassed without putting at risk the very integrity of the ecosystem and, hence, of life itself.

Unchallenged scientific reports analyze and explain the attacks to which our world is subjected, in particular because of increasing concentrations of carbon dioxide, and the deterioration of the ozone layer.

A substantial warming of our climates and water temperatures, as well as a considerable rise in sea levels appear to be inevitable unless bold prevention measures are implemented. The World Committee on Development and the Environment has also stressed that these are vital issues.

It behoves us, as heads of states and governments, to respond effectively to such threats which jeopardize the future of mankind and can only be dealt with on a global level.

Of course there is a whole network of international conventions, intergovernmental fora, specialized agencies which, with varying degrees of effect, deal with environmental issues. But we do feel that present structures are not truly up to the problem we face today, especially in respect to protection of the atmosphere.

We feel the time has come for the world to give itself the means to deal with this problem. We feel in particular that we need a new authority, which we propose to call Globe. To this end, we propose the adoption of a declaration of policy principles. This new set of principles will deal with the institutional and legal aspects involved and serve as a basis for discussion within the international community.

We have already had the opportunity, directly or indirectly, to broach these issues with each and every one of you, as well as with the Secretary-General of the United Nations, and, although no one can underestimate foreseeable difficulties, this initiative has so far met with your keenest interest.

Our approach quite deliberately shuns customary procedures. We feel that only a very energetic and determined course of action can lead to solutions developing faster than problems and can entail remedies quicker than the dangers they mean to avert.

For these reasons, we invite you personally to participate in a meeting which will be held in The Hague, in The Netherlands, where the International Court of Justice is headquartered, on 11 March 1989. This meeting, which may be preceded by a meeting of our personal representatives the day before, will aim on the one hand to reach agreement on a common declaration of all participants breaking ground for this future structure and, on the other to draft a letter to which we would all be signatories, which would be addressed to all Heads of States and Governments of Member States of the United Nations requesting their support for this initiative, which could be taken up by the United Nations General Assembly at its next session.

For the time being, and stressing that each and every one of its terms will be open to discussion, please find herewith a draft final declaration, the purpose of which is both to give our intents a more precise form and to act as a basis for discussion.

We under no circumstances underestimate the burden coming to The Hague may present to you, especially at such short notice, but we wish to stress once again that it is in everybody's best interest, and that only the resolve of the very high level leadership you represent can give this initiative the initial momentum the lack of which would inevitably cause it either to fail, or to succeed all too late.

We naturally do not feel any prior publicity should be given to this meeting. We are however aware of the fact that the convening of so many decision-makers of such standing can hardly hope to go by unnoticed. We nevertheless do not feel this to be a major disadvantage as public discovery, at a press conference to be held at the end of our meeting, of both its goals and its outcome will probably have considerable impact on international opinion, which will in turn prove to be a great asset for future developments.

GRO Harlem Brundtland
Prime Minister
of Norway

Ruud Lubbers
Prime Minister
of The Netherlands

Michel Rocard
Prime Minister
of France.

Draft '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 through 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.

Unchallenged scientific studies have shown over the last few years the existence and scope of considerable dangers linked in particular to the warming of the atmosphere and to the deterioration of the ozone layer. Only the latter has so far led to action, under the Montreal Protocol. According to present scientific knowledge, the consequences of these phenomena may well jeopardize ecological systems as well as the most vital interest 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 ecosystem's intrinsic right to preservation, but also man's right to a viable environment, and in turn the community of nations duty vis à vis present and future generations to do all that can be done to preserve the quality of the atmosphere.

This is why we consider that, faced with a problem the solution to which has three salient features, namely that it is vital, urgent, and perforce global, we are in a situation that calls for a new approach, the acknowledgement of new principles of international law as well as unprecedented decision-making and enforcement mechanisms.

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

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

The international community has special obligations towards developing countries, and in particular towards the least developed of these, which will be very negatively affected by changes in the atmosphere although their responsibility for the process will have been only marginal.

The nations which will endorse this declaration and the ensuing legal provisions shall acknowledge the following commitments:

- a) they shall accept in principle the establishment, under the auspices of the United Nations, of an authority which, in the context of the preservation of the earth's atmosphere shall be responsible for combating any further warming of the atmosphere, and some decisions of which, regarding, inter alia, the determination of standards, may on occasion be adopted by a qualified majority;
- b) they shall accept that this authority undertake or commission the necessary studies, be granted information upon request, ensure the circulation and exchange of scientific information, and define industrial standards to enhance or guarantee the protection of the atmosphere and monitor compliance therewith;
- c) they shall further accept the principle of economic sanctions, inflicted subject to control exercised by the International Court of Justice on goods produced under conditions with negative impact on the atmosphere;
- d) they shall accept the principle of fair compensation to those 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 actual responsibility for the deterioration of the atmosphere;
- e) they shall accept to give the aforementioned principles effective and consistent grounding, not only institutionally but also financially.

As of today, the Heads of States and Governments signatories to the present declaration:

- stress their resolve, subject to confirmation by the relevant national authorities in their respective countries, to make the commitments thus defined;
- state their intent to further the development of their initiative within the United Nations and in close co-ordination and collaboration with existing agencies set up under the auspices of the United Nations;
- invite all other nations of the world to accede to the present declaration and to the legal provisions that will result therefrom;
- urge all nations of the world to sign and ratify existing conventions relative to the protection of nature and the environment.