

UNITED NATIONS ACTIVITIES

UN/General Assembly

53rd Session

The First Part of the 53rd Session of the United Nations General Assembly finished on 15 December 1998. This brief summary covers most of the resolutions adopted by the Second and Sixth Committees on topics within the field of environmental policy. Some relevant resolutions from the other Committees or adopted without reference to a main committee are also included.

The 53rd Session was dominated from the beginning by discussions on the impacts of the current global financial turmoil. This was particularly evident in the discussion of Agenda Item 94 (a): *Environment and Sustainable Development: Implementation of the outcome of the UN Conference on Environment and Development, including the outcome of the special session of the General Assembly for the purpose of the overall review and appraisal of Agenda 21*.

On 15 December 1998, the Assembly considered and adopted the report of the Second Committee. The report contained draft resolutions and draft decisions on issues addressed under the above agenda topic, including the following:

Implementation of the outcome of the UN Conference on Human Settlements (Habitat II); implementation of the Programme of Action of the International Conference on Population and Development (ICPD); implementation and follow-up to the outcome of the UN Conference on Environment and Development (UNCED); protection of global climate for present and future generations of mankind; implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Developing States (SIDS); the Convention on Biological Diversity (CBD); and implementation of the UN Convention to Combat Desertification (CCD).

Second Committee

Habitat II: The resolution decides that the special session for an overall review and appraisal of the implementation of the outcomes of Habitat II will be held in June 2001, for a three-day period. It invites non-UN Member States that are members of the specialised agencies to participate at the special session as observers; and stresses the need for the effective participation of local authorities and other Habitat Agenda partners and relevant actors of civil society.

International Conference on Population and Development: This stresses the need for effective participation of civil society. It invites relevant UN organisations and bodies to contribute to the special session and invites non-UN Member States that are members of specialised agencies to participate as observers.

Environment and Sustainable Development: During the current session, the Assembly had three main reports before it of primary concern to UNEP: the results of the special Governing Council session held in May 1998; the report of the Secretary-General on implementing conventions related to environment and sustainable development; and the report of the Secretary-General containing the recommendations of this Task Force on Environment and Human Settlements. With the exception of the latter item, the Assembly or its Committees adopted a series of resolutions on a wide range of environment and sustainable development issues, including: the Governing Council report; international conventions coordination; follow-up to Rio and its five-year review in June 1997; the recommendations of the Parties to the three "Rio" Conventions (climate change, biodiversity, desertification); Small Island Developing States; and El Nino and solar energy, among others.

The report of the Second Committee contained one draft decision and three draft resolutions on 1) the impact of the El Nino phenomenon; international institutional arrangements related to environment and development; and the report of the Governing Council of the United Nations Environment Programme (UNEP).

The resolution on *El Nino*, calls for continued implementation of General Assembly resolution 52/200 on international cooperation to reduce the impact of the El Nino phenomenon and requests recommendations on how the UN will deal with the reduction of natural disasters upon the conclusion of the International Decade for the Reduction of Natural Disasters.

The Resolution on *international institutional arrangements* related to environment and development, emphasises that the Conferences of the Parties (COPs) of conventions are autonomous, encourages the COPs and Secretariats of the Convention on Biological Diversity (CBD), the Convention to Combat Desertification (CCD) and the UN Framework Convention on Climate Change (FCCC), to examine opportunities to strengthen their complementarities and assess ecological linkages between the Conventions, and requests the Secretary-

General to prepare a report identifying actions to improve coherence in various intergovernmental organisations and processes through better policy coordination at the intergovernmental level.

Another resolution dealt with *International Institutional Arrangements Related to Environment and Development*. Under its provisions, the General Assembly recognised its own role in fostering progress in the implementation of the three Rio Conventions and reaffirmed the need for greater coherence in the multiple intergovernmental processes through better policy coordination.

The Secretary-General has been asked for a follow-up report on this issue, to which UNEP will extensively contribute under its new programme on environmental conventions. The UNEP programme is concentrating on the promotion of the development of coherent interlinkages among the conventions, in cooperation with their respective conferences of the Parties, or governing bodies. It is also coordinating UNEP's support to those processes, particularly the programmatic interlinkages.

Discussions are continuing under the UN reform agenda item as to the form and substance of the Assembly's recommendations. When it was clear from the formal discussions held at the beginning of December 1998, that most Governments viewed the report positively, especially the establishment of a UN system-wide Environmental Management Group (to be chaired by the Executive Director of UNEP), a much fuller substantive debate may be required in early 1999.

In its resolution on the *report of the UNEP Governing Council at its fifth special session*, the Assembly particularly recognised Executive Director Klaus Töpfer's efforts to revitalise and strengthen the Organisation. It also welcomed the positive role played by UNEP in the field of environmental management of chemicals, noting the successful adoption of the Convention on Prior Informed Consent (PIC) for trade in international chemicals and the start of international discussions on persistent organic pollutants (POPs).

Most importantly, the Assembly emphasised that UNEP "*must continue to be the principal UN body in the field of the environment; that its role is to be the leading environmental authority that sets the global environmental agenda and promotes the coherent implementation of the environmental dimension of sustainable development within the UN system.*"

"While the Assembly still needs to pronounce itself on the major item of the Task Force report, the current session has proven itself to be critical to UNEP in the sense that political support to its ongoing reform efforts – both programmatic and administrative – needed to be reinforced at the highest levels," the UNEP Executive Director said.

"The Assembly's discussion of environment and sustainable development issues has unquestionably set the right tone for the upcoming 20th UNEP Governing Council, and augurs well for its successful outcome – the start of a new phase in the ongoing process of reform of the organisation," said Klaus Töpfer.

Implementation and follow-up to the outcome of the United Nations Conference on Environment and Development (UNCED): The resolution stresses the need to accelerate full implementation of Agenda 21 and the Programme for Further Implementation of Agenda 21; recognises that the CSD will continue to be the central forum for reviewing progress in implementation of Agenda 21 and urging further efforts, and calls on the CSD to continue to complement and provide interlinkages to the work of other UN organs, organisations and bodies active in the field of sustainable development (see page 104).

Framework Convention on Climate Change: The resolution takes note of the report of the Executive Secretary of the UN Framework Convention on Climate Change on the results of the Third Conference of the Parties (COP-3.) (See *Environmental Policy & Law*, Vol. 28, No. 1 at page 11.)

Small Island Developing States: The resolution urges SIDS to continue preparations for the seventh session of the CSD and the special session in September 1999 for the review and appraisal of the implementation of the Programme of Action.

It also encourages SIDS and prospective multilateral and bilateral donors to participate in the donors conference to be held in February 1999, and reiterates the urgency of the international community's support of adaptation efforts by Small Island Developing States to cope with the threat of sea-level rise experienced as a consequence of climate change (see page 110).

Convention on Biological Diversity: The resolution (contained in Environment and Sustainable Development: Convention on Biological Diversity), welcomes decision IV/15 of the Conference of the Parties stressing the need to ensure consistently in implementing the CBD and World Trade Organisation (WTO) agreements (with a view to promoting increased mutual supportiveness and integration of biological diversity concerns and the protection of intellectual property rights); recognises the importance of the adoption of a protocol on biosafety; and calls upon governments to use science-based analysis to study and monitor the evolution of new technologies to prevent possible adverse effects on the conservation and sustainable use of biological diversity (see page 118).

Convention to Combat Desertification: The resolution on implementation of the Convention, calls on all countries that are not yet parties to the Convention to ratify or accede as soon as possible and calls on developing countries Parties to accelerate the elaboration of national action programmes (see page 118).

International Trade and Development: Resolution 53/170 stresses, among other things, the urgent need to facilitate the integration of the countries of Africa into the world economy, and in this context welcomes the action-oriented agenda for the development of Africa contained in the report of the Secretary-General on the causes of conflict and the promotion of durable peace and sustainable development in Africa. It endorses the

call contained in the ministerial communiqué for continued efforts to enhance market access for products of export interest to African economies and support for their efforts at diversification and building of supply capacity.

The resolution also requests the United Nations Secretary-General, in collaboration with the secretariat of the UN Conference on Trade and Development, to report to the General Assembly at its fifty-fourth session on the implementation of the present resolution, developments in the multilateral trading system; and the implementation of the ministerial communiqué on market access adopted by the Economic and Social Council on 8 July, 1998.

Sixth Committee

United Nations Decade of International Law (Item 149)

Part A: *UN Decade of International Law*, was adopted by consensus on 8 December 1998.

The resolution "Authorises the Secretary-General to deposit, on behalf of the United Nations, an act of formal confirmation of the Vienna Convention on the Law of Treaties between States and International Organisations or between International Organisations as provided in article 83 of the Convention;" It also encourages the Secretary-General to continue developing a policy of providing Internet access to the UN Treaty Series and the Multilateral Treaties Deposited with the Secretary-General, bearing in mind the needs of States, in particular developing countries in recovering the costs thereof, and requests the Secretary-General to report on this issue at its fifty-fourth session.

The General Assembly decides to include in the provisional agenda of its fifty-fourth session the item entitled "United Nations Decade of International Law" and to convene a one-day plenary meeting on 17 November 1999 to mark the end of the Decade.

A consensus resolution on Part B, *action dedicated to the 1999 centennial of the first International Peace Conference and to the closing of the UN Decade of International Law*, encourages the Governments of the Russian Federation and the Netherlands to continue with the implementation of the programme of action. Among several requests, it also encourages all States to participate in the activities set out in the programme of action, as well as to initiate such activities and to co-ordinate their efforts in this respect at the global level as well as at the regional and national level.

Part C: *Principles and guidelines for international negotiations*, was adopted by consensus on 8 December 1998. The resolution affirms the importance of conducting negotiations in accordance with international law in a manner compatible with and conducive to the achievement of the stated objective of negotiations and in line with seven guidelines. These include, *inter alia*, that

States should take due account of the importance of engaging, in an appropriate manner in international negotiations the States whose vital interests are directly affected by the matters in question; and that States should use their best endeavours to continue to work towards a mutually acceptable and just solution in the event of an impasse in negotiations (see page 111).

First Committee

International Co-operation in the Peaceful Uses of Outer Space: The resolution endorses, among other things, the recommendations of the Committee that the Legal Subcommittee, at its thirty-eighth session, taking into account the concerns of all countries, particularly those of developing countries, should: a) continue its consideration of review and possible revision of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space; and b) continue, through its working group, its consideration of matters relating to the definition and delimitation of outer space and to the character and utilisation of the geostationary orbit. (See page 114.)

Prevention of Arms Race in Outer Space: This resolution was adopted by a recorded vote of 165-0-4. The General Assembly calls, *inter alia*, for further measures to be examined in the search for effective and verifiable bilateral and multilateral agreements in order to prevent an arms race in outer space, including the weaponisation of outer space.

It reaffirms its recognition, as stated in the report of the Ad Hoc Committee on the prevention of an arms race in outer space, that the legal regime applicable to outer space by itself does not guarantee the prevention of such an arms race; that this legal regime plays a significant role in the prevention of an arms race in that environment; that there is a need to consolidate and reinforce that regime and enhance its effectiveness; and that it is important strictly to comply with existing agreements, both bilateral and multilateral (see page 120).

Prohibition of the Dumping of Radioactive Wastes: This resolution – Part C of resolution 53/77, "General and Complete Disarmament" – was adopted by consensus. The General Assembly requests the Conference on Disarmament to take into account, in the negotiations for a convention on the prohibition of radiological weapons, radioactive wastes as part of the scope of such a convention and requests the Conference on Disarmament to intensify efforts towards an early conclusion of such a convention and to include in its report to the General Assembly at its fifty-fourth session the progress recorded in the negotiations on this subject.

The Assembly also expresses the hope that the effective implementation of the International Atomic Energy Agency Code of Practice on the International Transboundary Movement of Radioactive Wastes will enhance the protection of all States from the dumping of radioactive wastes on their territories (see page 119).

Third Committee

Right to Development: This was adopted on 9 December 1998, by a vote of 125 in favour, 1 against (United States) and 42 abstentions (see page 115).

The General Assembly expresses its concern in the resolution that, more than ten years after the adoption of the Declaration on the Right to Development, and while noting that new challenges and opportunities for development have emerged in an increasingly globalised world, obstacles to the realisation of the right to development still persist at both the national and international levels. Further, that new obstacles to the rights stated therein have emerged and that the progress made in removing these obstacles remains precarious.

The Assembly also expresses deep concern about the overall decline in official development assistance flows, and calls upon the developed countries, in a spirit of partnership, to mobilise further resources for development assistance to support States' efforts towards the realisation of the right to development. The resolution requests the Commission on Human Rights to invite the independent expert appointed by the Chairman of the Commission to include in his study on the current state of progress in the implementation of the right to development, proposals for measures that could be taken for the more effective realisation of the right to development at the national and international levels, and to submit his studies to the General Assembly. Further to invite the follow-up mechanism, *inter alia*, to consider the question of elaborating a convention on the right to development.

Other Decisions

Mountains: In an effort to increase awareness of the importance of sustainable mountain development, the Kyrgyz Republic initiated a draft resolution for the consideration of ECOSOC. This resulted in ECOSOC's adoption of a resolution on 29 July 1998, recommending that the UN General Assembly proclaim the year 2002 as the International Year of Mountains. The General Assembly has now adopted by consensus the resolution sponsored by 136 countries.

In it, the Assembly calls upon Governments, national and international organisations, non-governmental organisations and the private sector, to make voluntary contributions and to lend other forms of support to the International Year of Mountains. The resolution makes a particular reference to Agenda 21.

The Assembly also invited the Food and Agriculture Organisation (FAO) to serve as the lead agency for the Year and called on other UN agencies and programmes to collaborate in the effort. (See page 108.)

Oceans and Law of the Sea: By the terms of this resolution, adopted by 134 votes in favour, with one

against (Turkey) and six abstentions, the Assembly called upon States to become parties to the United Nations Convention on the Law of the Sea and the Agreement relating to the implementation of Part XI of the Convention in order to achieve universal participation. It further called on States to harmonise their national legislation with the Convention, to ensure the consistent application of its provisions, and to ensure that any declarations or statements made when signing, ratifying or acceding, are in conformity with the Convention and to withdraw any such declarations or statements that are not in conformity.

The General Assembly requested the Secretary-General to convene the meeting of States Parties to the Convention in New York from 19 to 28 May 1999, during which, on 24 May 1999, seven judges will be elected to the International Tribunal for the Law of the Sea. It noted with satisfaction that the Tribunal, which was established as a new means for the settlement of disputes concerning the interpretation or application of the Convention and the Agreement, delivered its first judgement on 4 December 1997. The Assembly also requested the Secretary-General to circulate lists of conciliators and arbitrators drawn up and maintained in accordance with annexes to the Convention and to update the lists accordingly (see page 120).

Large-Scale Pelagic Drift-Net Fishing: The Assembly unanimously adopted the resolution on this topic. It urges the authorities of members of the international community that have not yet done so, to take greater enforcement responsibility to ensure full compliance with a resolution which calls for a global moratorium on large-scale pelagic drift-net fishing. It also calls for the imposition of appropriate sanctions, consistent with international law obligations, against acts contrary to that resolution.

The Assembly calls on States to ensure that no fishing vessels entitled to fly their national flags fished in areas under the national jurisdiction of other States, unless authorised by the coastal State or States concerned. It urges States, international organisations and regional and subregional fisheries organisations to take action, including through assistance to developing countries, to reduce by-catches, fish discards and post-harvest losses (see page 122.)

South Atlantic Zone of Peace and Co-operation: In its resolution, the General Assembly calls on Member States in the South Atlantic zone of peace to continue efforts to achieve appropriate regulation of maritime transport of radioactive and toxic waste.

The resolution, which was adopted by 126 votes in favour, to none against, with one abstention (United States), stressed that such efforts should take into account the interests of coastal States, in accordance with the UN Convention on the Law of the Sea, the regulations of the International Maritime Organisation (IMO) and the International Atomic Energy Agency (IAEA). ➔

Report of the International Law Commission on the work of its fiftieth session

The resolution recognises the “desirability of referring legal and drafting questions to the Sixth Committee including topics that might be submitted to the International Law Commission for closer examination, and of enabling the Sixth Committee and the Commission further to enhance their contribution to the progressive development of international law and its codifica-

tion...” In it, the General Assembly expresses its appreciation to the Commission for the work accomplished at that session, in particular the completion of the first reading of the draft articles on the prevention part of the topic “International liability for injurious consequences arising out of acts not prohibited by international law;” and invites government to submit comments and observations in writing by 1 January 2000, on these draft articles. (see page 113.) (MJ) □