

Fifty-fifth Regular Session

On 17 December 1998, the General Assembly of the United Nations adopted resolution 53/202, by which it decided to designate the fifty-fifth session of the General Assembly to be opened on 5 September 2000 as “The Millennium Assembly” of the United Nations. By the same resolution it was decided to convene a “Millennium Summit of the United Nations” from 6-8 September 2000 (see *Environmental Policy & Law*, Vol. 30 (2000) No. 5 at page 212).

The 55th regular session was suspended on 23 December 2000, by which time the Assembly’s committees had addressed 183 agenda items and adopted 281 resolutions. The following is a short summary of the debates and decisions taken, which we consider to be of most interest to our readers.

First Committee (Disarmament and International Security)

The First Committee, taking advantage of the successful outcome of the 2000 Review Conference of States Parties to the Treaty on Non-Proliferation of Nuclear Weapons (NPT) held far-reaching discussions covering a broad range of disarmament issues.

According to a draft sponsored by Canada and Poland on implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (“Chemical Weapons Convention” – document L.18), the General Assembly “would urge all States Parties to the Convention to meet in full and on time their obligations under the Convention and to support the Organisation for the Prohibition of Chemical Weapons (OPCW) in its implementation activities”.

The text would also have the Assembly stress the importance to the Convention, that all possessors of chemical weapons, chemical weapons production facilities or chemical weapons facilities, including previously declared possessor States, should be among the States parties.

Introducing the draft resolution, the representative of Poland said its purpose was to confirm the determination of the world community to achieve the effective prohibition of the development, production, acquisition, transfer, stockpiling and use of chemical weapons and their destruction. The text would also support the ongoing work of the OPCW in The Hague.

The representative of Algeria introduced a draft resolution on the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), by which the Assembly would welcome the con-

sensus adoption on 19 May of the Final Document of the 2000 NPT Review Conference. He said the outcome, which included agreements on practical steps to advance nuclear disarmament and non-proliferation, was a hard-won success that had exceeded everyone’s expectations.

The First Committee recommended 48 resolutions, 18 dealing with nuclear disarmament. The question of small arms was also a focus of debate. On the Committee’s recommendation, the Assembly decided to hold the United Nations Conference on Illicit Trade in Small Arms and Light Weapons in All Its Aspects in New York from 9-20 July 2001.

Upon the Committee’s recommendation, the General Assembly adopted 38 disarmament and security-related resolutions and one decision. The resolutions included 18 dealing with nuclear weapons, which, among other things, requested the international community to: stem the proliferation of weapons of mass destruction; strengthen the Treaty on the Limitation of Anti-Ballistic Missile Systems (ABM Treaty); engage the nuclear-weapon States in the process leading to the total elimination of nuclear weapons; and take immediate and urgent steps to reduce the risk of unintentional and accidental use of nuclear weapons. Nuclear-weapon States were also urged, as an interim measure, immediately to de-alert and deactivate their nuclear weapons and to take other concrete measures to further reduce the operational status of their nuclear weapon systems.

Reflecting the continuing concern in the Committee about the pace of nuclear disarmament and non-proliferation, the Assembly adopted, for the third time, a resolution entitled “Towards a nuclear-weapon-free world: the need for a new agenda”. The text called on the nuclear-weapon States to: unilaterally reduce their nuclear arsenals; increase the transparency of their nuclear-weapon capability, further reduce non-strategic nuclear weapons based on unilateral initiatives and the operational status of nuclear-weapon systems; and diminish the role for nuclear weapons in security policies, to minimise the risk that those weapons would ever be used.

Second Committee (Economic and Financial)

Alexandru Niculescu (Romania) was elected Chairman of the Committee and Anne Barrington (Ireland) and Mauricio Escanero (Mexico) were elected as Vice-Chairmen.

According to the programme of work, matters before the Committee were clustered under the following head-

ings: Macroeconomic policy questions; sectoral policy questions; sustainable development and international economic cooperation; environmental and sustainable development; operational activities for development; training and research; permanent sovereignty of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and of the Arab population in the occupied Syrian Golan over their natural resources; implementation of the first United Nations Decade for the Eradication of Poverty (1997–2006); globalisation and interdependence; high-level international intergovernmental consideration of financing for development; Third United Nations Conference on the Least Developed Countries; and report of the Economic and Social Council.

Sustainable Development and International Economic Cooperation

In terms of achieving equitable and sustained development for developing countries, the record of the decade had been woefully inadequate, said the representative of India, M.M. Sankhdher. In the coming years, international performance in the development field would need to improve dramatically in order to ensure that future generations were freed from hunger, disease, illiteracy and poverty. India fully understood that sustained economic growth presupposed vigorous national efforts. However, he said that national efforts required an enabling international environment. He called on the international community to fulfil its commitments undertaken in the various United



From left to right: Secretary-General Kofi Annan, General Assembly President Harri Holkeri and Under-Secretary-General Jin Yongjian. Courtesy: UN Photo

Nations conferences of the 1990s. The decline in official development assistance (ODA) and long-term capital flows to developing countries had not only impacted negatively on their development activities but had also considerably affected their fight against poverty.

The Lithuanian representative, Gediminas Serksnys, said that the report on coordinated implementation by the United Nations system of the *Habitat Agenda* contained proposals and recommendations for improving the current system. The main responsibility for the implementation and follow-up of the Agenda lay with the Member States and the Commission on Human Settlements.

Fares M. Kuindawa (Kenya) said that it had been four years since the adoption of the Habitat Agenda. Despite efforts made in shelter delivery in Africa a number of factors had reduced the impact of the programmes and activities. The last few years witnessed global economic changes that led to cutting down on public spending, which had resulted in increased unemployment and widespread poverty. The ongoing preparatory process and upcoming special session would give the international community an opportunity to review achievements, identify challenges and develop forward-looking strategies.

Feza Ozturk (Turkey) said that his country, as host of the UN Conference on Human Settlements (Habitat II), attached great importance to the success of the Habitat Agenda. The Habitat Forum of Turkey had been convened from 2–8 September 2000 in Ankara, to prepare for the “Istanbul+5” review session. The Forum had been established as a permanent platform for information exchange and follow-up activities for the Habitat Agenda and Turkey’s Habitat Plan of Action.

Kim Girtel (Canada) said that in October 1999 the Canadian Government had committed to developing a new approach for supporting *cultural diversity* and its expression internationally. A key element of that approach was the pursuit of an international instrument on cultural diversity, in line with the Stockholm Action Plan idea that cultural goods and services should not be treated like other forms of merchandise.

Canada was not alone in that pursuit, she continued. “Three weeks ago in Santorini, Greece, ministers of culture of various countries participating in the informal policy discussions of the International Network on Cultural Policy, had decided to focus on an international instrument on cultural diversity as a focal point for considering new ways to promote diversity of cultural expression and identity.” That Network was one of the first initiatives to come out of the Stockholm Action Plan. The Network Working Group on Cultural Diversity and Globalisation, chaired by Canada, would continue to work on the framework and scope of a cultural diversity instrument, she said.

The speaker noted that Canada was also actively involved in the recent efforts of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) to create an international network of observatories on cultural policy. Such a network would facilitate the production and dissemination of information on cultural policies and support local and international efforts to promote culture as a key element of development.

The Assembly adopted a series of texts on international economic cooperation and sustainable development, one of which specifically highlights the need for coordinated action, calling on organisations of the UN system, including the Bretton Woods institutions, to collaborate with other relevant institutions to continue to conduct analytical activities and provide advice and assistance to countries with economies in transition.

Other relevant text decides that a high-level dialogue on strengthening international economic cooperation will

be convened for two days immediately before the commencement of the general debate at the Assembly's 56th Session.

Another resolution supports intensification of efforts to integrate cultural factors into development programmes.

Environment and Sustainable Development

Under this topic, the Committee considered in particular the *implementation of Agenda 21* – the plan of action adopted at the United Nations Conference on Environment and Development (UNCED) in 1992 – and the Programme for the Further Implementation of Agenda 21.

Facing the environmental challenges of the twenty-first century would ultimately be a matter of good policies, effective leadership, creative and adaptable organisations, and concerned and involved citizens, the Committee was told. Speaking on behalf of Klaus Töpfer, Executive Director of the United Nations Environment Programme (UNEP), Adnan Amin (Director of UNEP's New York office) went on to say that while the role of government was undisputed, effective partnerships were essential. Civil society had played a major role in putting the environment on the political agenda, and increasingly the private sector was faced with the responsibility of finding solutions to environmental problems instead of being a contributor to them.

Norway's representative stated that, as highlighted in Agenda 21, socio-economic development and environmental protection were inextricably linked. For development to be sustainable, it had to flow from the priorities of the society in which it was taking place. Accordingly, environmental protection must support poverty eradication through economic and social development.

The need for a new round of global trade talks and an international financial architecture that was rule-based and transparent was greatly stressed when the Committee took up *macroeconomic policy questions*. While representatives agreed that the goal in the Millennium Declaration of halving poverty by 2015 was essential, it was noted that high debt burdens continued to be a critical obstacle to poverty reduction in many developing countries. By one of the six draft resolutions recommended by the Committee, the Assembly would call for effective, equitable, development-oriented and durable solutions to external debt and debt-service burdens of developing countries.

Speaking on behalf of the "Group of 77" (G-77) developing countries and China, Nigeria's representative said that one of the major problems in the implementation of Agenda 21 was the lack of financial resources to support environmentally sound programmes and projects. The result was the widening gap in the implementation of Agenda 21 between the developed and developing countries, creating a vicious cycle that led to increased damage to the environment.

The session's debate on *science and technology* concentrated on the related needs of developing countries. It was agreed that access for developing countries to new information technologies was essential for them to derive maximum benefit from globalisation. If decisive action were not taken to strengthen the capacity of developing

countries in those areas, the "digital divide" would be yet another manifestation of the increasing disparity between rich and poor. In that regard, the Committee welcomed the move by the Economic and Social Council to establish a Task Force on Information and Communication Technology.

The Committee had before it draft resolutions on strengthening the coordination of the mechanisms on the Commission for Science and Technology for Development: promoting complementary activities in the area of new and innovative technologies within the United Nations system (document A/C.2/55/L.3). The resolution was sponsored by Nigeria, on behalf of the G-77 and China. The text would have the Assembly call on the Secretary-General to substantially strengthen the Commission and the United Nations Conference on Trade and Development (UNCTAD), by providing them with identifiable and adequate regular budget resources, in order to enable them to better carry out their mandates of assisting the developing countries with their national development efforts in the field of science and technology.

On *Agenda 21*, the Committee had before it the Secretary-General's report on conservation and sustainable development of Central African forest ecosystems: implementation of General Assembly resolution 54/214 (document A/55/95). In that resolution, the Assembly welcomed the Declaration adopted by the Summit of Central African Heads of State on the Conservation and Sustainable Management of Tropical Forests, held in Yaounde from 12 to 17 March 1999. The Assembly also encouraged the countries of Central Africa to implement the undertakings set out by the Yaounde Declaration and invited the international community to support the countries of Central Africa in the implementation of that Declaration.

The report concludes that a complete assessment of the implementation of General Assembly resolution 54/214 would be premature, since less than one year has elapsed since its adoption. In general, a large number of projects are in progress in Central Africa in collaboration with the international community. Improvements achieved by individual countries of the region, especially at the policy level, are also visible. There is still a general sense that tropical forests are threatened and that unsustainable forest management practices remain widespread. Enhanced financial support for the transition period from "business as usual" to sustainable forest management is necessary.

The Committee also had before it the Secretary-General's report on *international cooperation to reduce the impact of the El Niño phenomenon* (document A/55/99-E/2000/86). In its fifty-fourth session, the Assembly requested a report on the ongoing activities and future arrangements for the Inter-Agency Task Force on El Niño. According to the report, the ongoing activities of the Task Force and its subsidiary bodies included a feasibility study for an international centre for research on the El Niño phenomenon in Guayaquil, Ecuador; as well as a study on the prediction and amelioration of the socio-economic impacts of El Niño in Latin America and the Caribbean. It was also agreed that *ad hoc* working groups would be

created for areas mandated by relevant General Assembly resolutions or identified by the Task Force as areas of common concern.

The adverse effects of *global climate change* and the benefits of promoting *renewable energy sources* were the subject of much discussion by the Committee. In order to address the risks posed by climate change, many delegations stressed the need for sustained coordination to implement the Kyoto Protocol. One of the draft resolutions approved included a text on the World Solar Programme 1996–2005, which would have the Assembly invite the international community to support the efforts of developing countries to move towards sustainable patterns of energy production and consumption.

Also before the Committee was the Secretary-General's report on *international institutional arrangements related to environment and sustainable development* (A/55/357). The report considers cooperation in implementation of the UN Framework Convention on Climate Change, the UN Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa, the Convention on Biological Diversity (CBD) and a number of other environment-related conventions.

The report provides an overview of recent action taken by the Convention secretariats and relevant organisations to maximise benefits from complementarities in the implementation of the conventions related to environment and sustainable development.

In an effort to promote synergies, UNEP has started the third review of the *Montevideo Programme for the Development and Periodic Review of Environmental Law* (Montevideo Programme III – see last issue at page 268). Activities in inter-secretariat cooperation include work in the areas of desertification/biological diversity, climate change/desertification, biological diversity/climate change, and biodiversity-related conventions. There are also a number of initiatives seeking to advance the relationship between trade and multilateral environmental agreements.

The report recommends that consideration be given to undertaking a comprehensive integrated assessment of progress in the implementation of environmental and environment-related conventions on the occasion of the 10-year review of the implementation of Agenda 21 in the year 2002. The assessment should also take into account the substantial benefits that can be derived from improved coordination and collaboration, especially in the areas of joint thematic reporting and streamlined national reporting, modalities for information exchange, methodologies for cost/benefit analysis, and the development of performance indicators for measuring progress.

The Committee also considered the report of the Secretary-General on *ensuring effective preparations for the 10-year review of progress achieved in the implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21* (document A/55/120). The Commission on Sustainable Development, at its eighth session, stressed that Agenda 21 should not be renegotiated, that the review focus on areas where further effort

for implementation is needed, and that further measures for implementation be identified, including sources of funding.

According to the report, governments stressed that the 2002 review should benefit from the preparations and outcomes of the review processes of other UN conferences as well as from the high-level consultations on financing for development to be held in 2001. The Commission recommended that the Assembly organise the review as a summit-level event, to be held outside Headquarters, preferably in a developing country.

The report stresses that clear goals must be established for the review to ensure a meaningful outcome, such as a global commitment to a renewed North/South partnership and a higher level of international solidarity to further promote sustainable development. Another goal could be the adoption of a focused and forward-looking agenda for an effective follow-up to the 10-year review. Among the suggested issues for the agenda were climate change, the protection and sustainable management of water resources, energy, access to financial resources and technology, and environmental security.

Also before the Committee was the Secretary-General's report on *measures taken in the United Nations system to accelerate progress in the implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21* (document A/55/78-E/2000/56). It highlights recent developments in the Inter-Agency Committee on Sustainable Development, as well as in the Subcommittee on Water Resources of the Administrative Committee on Coordination and the Subcommittee on Oceans and Coastal Areas. It also includes a section on follow-up to the Assembly's twenty-second special session for the review and appraisal of the Programme of Action for the Sustainable Development of Small Island Developing States (SIDS).

With regard to constraints faced by the system, the report states that many sustainable development projects which were painstakingly designed and formulated have been shelved due to lack of funds. For instance, little progress has been made in implementing some 300 projects that SIDS submitted to the meeting of representatives of donors and those States in February 1999. Removing such constraints requires fundamental reforms.

The Committee also considered a note by the Secretary-General transmitting the *report of the Governing Council of the United Nations Environment Programme (UNEP)* on their contributions to the implementation of Agenda 21 (document A/55/447). In addition to outlining the role that UNEP has undertaken in the implementation of Agenda 21, the report presents its major and more recent programme developments in the field, particularly with regard to contributing to the 2002 review conference. Further, the report assesses the issue of financing, and stresses that strong, focused and effective institutional arrangements are needed to ensure a coherent and integrated international environmental policy as an essential component of sustainable development.

To address linkages and gaps, the report continues, UNEP is establishing an Environmental Management

Group, as a problem-solving, results-oriented mechanism to foster coordinated action on specific environmental issues. On the basis of its extensive institutional reform and armed with the considerable gains witnessed in scientific and technological areas, UNEP and its Governing Council can provide far-reaching and insightful contributions to the preparatory process leading to the 10-year review. Annexed to the report is an overview of UNEP activities contributing to the implementation of Agenda 21.

A note by the Secretary-General transmitting the *report of the Global Environment Facility (GEF) on their contribution to Agenda 21* (document A/55/94) was also before the Committee. The report states that, recognising the differences among nations in resources and capacity, Agenda 21 challenged the international community to find substantial new funding to help countries, particularly the least developed, to pursue sustainable development. The GEF has been the primary source of this funding. It is the designated "financial mechanism" of the two principal global environmental treaties to emerge from UNCED – the Convention on Biological Diversity and the United Nations Framework Convention on Climate Change.

The Committee considered the report of the sixth special session of the Governing Council of the United Nations Environment Programme (document A/55/25) held in Malmö, Sweden from 29-31 May (a report on the special session has been published in *Environmental Policy & Law*, Vol. 30, No. 4 at page 160).

The present international financial system could not adequately address the obvious imbalance in the flow of financial resources and investment facing developing countries, the representative of Nigeria told the Committee, during its discussion on the *financing of development*, including net transfer of resources between developed and developing countries.

Speaking on behalf of the G-77 and China, he said that the aggregate of official financing had sharply declined, while private flows had only marginally recovered from the decline at the onset of the Asian crisis. Likewise, official development assistance (ODA), which had been increasing slowly, remained in a substantially depressed state. Compounding that grim picture for developing countries, he said, was the lack of enthusiasm by development partners for facilitating increased funding for targeted debt relief for severely indebted countries.

Speaking on behalf of the European Union and associated States, France's representative said that access of developing countries to the markets of developed countries was an important aspect of the question of the transfer of resources between developed and developing countries. The Union, as the main trading partner of the least developed countries, had opened its market considerably to the products of those countries. It had established a scheme of generalised tariff preferences to promote the opening up of its market to their products, and invited other industrialised nations to emulate its measures.

On *Agenda 21*, Nitin Desai, Under-Secretary-General for Economic and Social Affairs, introduced the report on *Ensuring effective preparations for the 10-year review of progress achieved in the implementation of Agenda 21*

(document no. A/55/150). Stressing that the review needed to revive the sense of political will and commitment generated at Rio, he noted that key questions regarding the review were those of the venue, timing and preparatory process. He drew attention to the proposal made at the eighth meeting of the Commission on Sustainable Development (CSD), that the Commission's tenth meeting be converted into an open-ended preparatory committee for the 10-year review. He also noted the suggestion that the tenth meeting begin immediately after the ninth, which is scheduled for April 2001.

He highlighted preparatory work for the 10-year review already carried out at the Secretariat level, and also underlined proposals for addressing preparations at the national level, noting the need to bring the issue to the public's attention. Nitin Desai said he attached great importance to the 10-year review, and believed it was an opportunity to rebuild the commitment to sustainable development, which had decreased somewhat in recent years.

Delegates then presented their views and positions. Many countries stated that Agenda 21 must not be renegotiated, and expressed support for the establishment of the tenth meeting of the CSD as the preparatory committee for the 10-year review in the first half of 2001.

Concerning the venue of the 10-year review, many delegates from both developing and developed countries supported organising the meeting in a developing country. Indonesia, speaking for the ASEAN group, said the meeting should be held in Asia, and drew attention to its offer to host the meeting. Belize, speaking for the CARICOM countries (14 Caribbean States), endorsed South Africa's offer to host the 10-year review. Canada noted the offers of both South Africa and Indonesia to host the meeting, and said it hoped agreement on the venue could soon be reached in a spirit of cooperation. The US said it would be unable to provide funding for new conferences outside of New York.

Action by the General Assembly

The Assembly considered and adopted 34 resolutions and 10 decisions recommended by the Second Committee, many of which relate to environment and sustainable development.

Regarding the *El Niño phenomenon*, the Assembly welcomed the establishment of the working group on the El Niño/La Niña phenomenon within the framework of the Inter-Agency Task Force of the International Strategy for Disaster Reduction.

A decision was also adopted on *protection of the global climate*. This expresses regret that negotiations could not be completed at the sixth session of the Conference of the Parties to the UN Framework Convention on Climate Change at The Hague in November 2000, and urges Parties to intensify political consultations in order to reach agreement at a resumed session.

Regarding *energy production and consumption*, the resolution invites the international community to support the efforts of developing countries to move toward sustainable patterns of energy production and consumption.

Other text requests the Secretary-General to provide

the necessary resources from the regular budget of the United Nations to the *United Nations Environment Programme* (UNEP) for the biennium 2002–2003. The Assembly calls on governments, particularly developed governments, to enhance their financial support to the *Global Mechanism* to enable it to promote the effective implementation of the Convention to Combat Desertification. The Assembly also takes note of the Secretary-General's note transmitting the report on progress made in providing safe water supply and sanitation for all during the 1990s.

The Assembly also adopted decisions on the *International Year of Mountains in 2002*, and proclaimed *2003 the International Year of Freshwater*.

The decision on Rio+10 (see page 63), agreed in the final week of the session, calls for reinvigorating at the highest political level, the global commitment to a North/South partnership for sustainable development. The UN World Summit on Sustainable Development will assess the current state of progress and examine the obstacles preventing implementation of the Rio agreement. It will then seek to adopt time-bound measures, including institutional and financial requirements, to overcome those obstacles, and address new issues that have emerged since the 1992 summit.

Global preparations for the Summit will take place under the CSD. Preparatory meetings will begin in April/May 2001 and continue in January 2002, followed by March/April 2002, all in New York. A final preparatory meeting will take place at the ministerial level in mid-May 2002 in Indonesia. These "prepcoms" – and the Summit itself – will include special dialogue sessions to allow government officials to share views with business leaders, environmental groups and other civil society groups.

The General Assembly agreed that the Summit would take place in Johannesburg, South Africa. Preparations for the Meeting will take place under the framework of the UN Commission on Sustainable Development. A final high-level preparatory meeting will take place in Indonesia in mid-May 2002. The Summit will take place between June and September 2002, with the exact dates yet to be determined.

Concerning other global conferences, the Assembly decided to convene, within existing resources, the second session of the *Intergovernmental Preparatory Committee for the Third United Nations Conference on the Least Developed Countries* from 5–9 February 2001. The Conference itself will convene from 14–20 May 2001 in Brussels.

The Assembly also decided that the high-level international intergovernmental event on *financing for development* should be scheduled for the first quarter of 2002, on a date yet to be agreed.

Three resolutions were adopted which specifically concern *Africa*. These address the need to promote lasting peace and sustainable development; implement without

delay the enhanced programme of debt relief to heavily indebted poor countries and cancel official bilateral debt in the context of poverty eradication; and support the efforts of the Organisation of African Unity in urging the donor community and multilateral institutions to meet the agreed target of 0.7 per cent of gross national product for ODA.

Other texts adopted concern the *Convention on Biological Diversity and its Cartagena Protocol* (see also page 22); cooperation of the mechanisms on the *Commission for Science and Technology for Development*; and implementation of the first United Nations Decade for the Eradication of Poverty (1997–2006).

In addition, the Assembly adopted text emphasising the need for a new round of *global trade negotiations* and rule-based, transparent international financial architecture.

In the only recorded vote of the session – 131 in favour to 2 against (Israel, United States), with 3 abstentions (Federated States of Micronesia, Kazakhstan,

Marshall Islands) – the Committee approved a draft resolution on the *permanent sovereignty of the Palestine people in the Occupied Palestinian Territory, including Jerusalem, and the Arab population in the occupied Syrian Golan over their natural resources*. By its terms, the Assembly would recognise the right of the Palestinian people to claim restitution as a result of any exploitation, loss or depletion of, or danger to, their natural resources and expressed the hope that this issue would be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides.

The Committee also recommended action on texts related to: *sectoral policy questions; sustainable development and international economic cooperation; training and research; implementation of the First United Nations Decade for the Eradication of Poverty; globalisation and interdependence; high-level international intergovernmental consideration of financing for development; the Third United Nations Conference on the Least Developed Countries; and the report of the Economic and Social Council*.

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Third Committee (Social, Humanitarian and Cultural)

Dominating the Third Committee's concerns were issues related to the 2001 World Conference on Racism, a resolution on taking steps to end "Crimes of honour" against women and country-specific human rights reports. Of 63 resolutions adopted on the Committee's recommendation, 32 concerned human rights. Six adopted resolutions related to international crime prevention and six to refugees. The Committee reaffirmed 2001 as the International Year for mobilising against racism and called for worldwide preparatory activities. The Committee also dealt with Indigenous issues.

Of the 63 resolutions the Committee approved overall, 48 were adopted without recorded vote. ➤



Programme of Activities of the International Decade of the World's Indigenous People (1994–2004)

The representative of China said that the Permanent Forum on Indigenous Issues should come up with a precise definition of indigenous peoples in order to keep their concerns separate from those of minorities.

Obscuring the concept of indigenous people, or blurring the distinction between them and other minorities, would gravely undermine the international community's efforts to protect their rights, she added. It would also endanger the vital interests of genuine indigenous populations. The Forum should pay special attention to the historical backgrounds of indigenous people and to the unique qualities of their populations to ensure they remained intact.

The indigenous people themselves should determine the name of the forum, said the representative of Venezuela, adding that the term "indigenous" in his country was a cultural rather than a racial designation. It simply referred to older cultures; those who had lived there before the Europeans arrived.

The representative from Ukraine said that classifying ethnic groups would help to protect minorities and indigenous people through legislation. But the use of the term "peoples" in the draft declaration carried no implications about the right of self-determination. Given the sensitivity of the issue, the declaration should include provisions prohibiting actions designed to impair the territorial integrity, political unity or stability of sovereign States.

Cristian Maquieria (Chile) welcomed the philosophical and legal discussions now taking place within the international community with the aim of spurring concrete action to preserve the rights of indigenous people.

The World Bank's Indigenous Peoples Programme recognised the complexity of the far-flung indigenous populations of the world, the Bank's deputy representative said. The estimated 400 million indigenous population worldwide was small. However, they helped shape the future of the global community with their ancient wisdom. Historically, they had been poor and excluded in many parts of the world. Integrating their knowledge into development assistance programmes would help to reduce poverty.

Fourth Committee (Special Political and Decolonisation)

The Committee held a general debate on *international cooperation in the peaceful uses of outer space*. In so doing, it had before it a draft resolution, by which the General Assembly would note with satisfaction the agreement reached by the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space on the question of the character and utilisation of the geostationary orbit and the subsequent endorsement of that agreement by the Committee.

Also by the text, the Assembly would endorse the Committee's recommendation that the Legal Subcommittee, at its fortieth session, taking into account the concerns of all countries, in particular the developing countries, consider as regular agenda items, among others: the

status and application of the five UN treaties on outer space; matters relating to the definition and delimitation of outer space; and the character and utilisation of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunications Union.

According to the text, the General Assembly would urge all governments, organisations and programmes within the UN system, as well as intergovernmental and non-governmental entities conducting space-related activities, to take the necessary action for the effective implementation of the recommendations of UNISPACE III, in particular, its resolution entitled "The Space Millennium: Vienna Declaration on Space and Human Development" (see *Environmental Policy & Law*, Vol. 30 (2000) No. 1-2 at page 69).

The Fourth Committee approved 28 resolutions and three decisions. Two of the 28 texts approved concerned the *peaceful uses of outer space* and the *effects of atomic radiation*.

The release of a comprehensive report on the effects of atomic radiation met with general approval, though some countries affected by the Chernobyl disaster disagreed with the conclusions regarding the link between that event and health problems in the region.

Speakers on the peaceful uses of outer space continued to stress the need for the benefits of space activities to be shared by developing countries, especially in such areas as communications and disaster management.

On the recommendation of the Fourth Committee, the Assembly decided on a second Decade for the eradication of colonialism (2001–2010).

Fifth Committee (Administrative and Budgetary)

The most important question before the Fifth Committee during the session was the formulation of the *new scale of assessments* for the regular budget of the United Nations for 2001–2003, which it approved on 23 December 2000 after extended and arduous negotiations.

During the session, countries reaffirmed that the expenses of the Organisation should be apportioned broadly according to capacity to pay. The difficulty lay in agreeing on a single set of methodological elements.

The Assembly subsequently adopted the new scale, the most critical feature of which reduced the maximum percentage of the United Nations regular budget that any one Member State can be obliged to pay to 22 per cent.

Member States decide biennially on the size of the budget, and the scale of assessments is then used to determine each country's share of that amount. With the earlier scale, the assessment on the United States was 25 per cent and it had sought a reduction for many years. As part of the agreement, the United States will this year make up the 3 per cent of the budget resources lost by its reassessment. Media reports and statements in the Committee indicated that executive and philanthropist Ted Turner agreed to donate the shortfall, which amounts to some US \$34 million.

Sixth Committee (Legal)

The work schedule for the 14 items assigned to it by the General Assembly this session was as follows:

- Report of the UN Commission on International Trade Law (UNCITRAL)
- Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Organisation
- Progressive development of the principles and norms of international law relating to the new international economic order
- Review of the statute of the Administrative Tribunal of the United Nations
- Establishment of the International Criminal Court
- Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives
- Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts
- Report of the International Law Commission
- Convention on jurisdictional immunities of States and their property
- Nationality of natural persons in relation to succession of States

The Committee elected, as its three Vice-Chairmen, Salah Suheimat (Jordan), Marcelo Vazquez (Ecuador), and Kenjika Ekedede (Nigeria). Drahoslav Stefanek (Slovakia) was elected Rapporteur.

Mauro Politi (Italy), Chairman of the Sixth Committee, called in his opening statement for a reaffirmation of the importance of legal principles and values in international relations. He said the central priority of those values had been underlined by the Secretary-General in his most recent report on the work of the Organisation, and permeated the text of the United Nations Millennium Declaration. "We, as members of the Sixth Committee, cannot but welcome and support such a proposition," he said.

This year, the Committee's agenda was particularly full, with 14 items to be discussed. Since 1994, the establishment of the International Criminal Court had been at the centre of the Committee's debates, he continued. In six years, the process had come a long way. The adoption of the Rome Statute marked a fundamental step and a revolutionary innovation in the development of international law. The Preparatory Commission had done an outstanding job in finalising, in June 1999, the rules of procedure and evidence and the elements of crimes. So far, 113 States had signed the Statute and 21 had deposited their instruments of ratification. "Our task is to allow the Preparatory Commission to complete its mandate and to adopt the remaining documents to make sure the Court is fully operational upon entry into force of the Statute," he said.

The Chairman noted that the debate on the report of the International Law Commission would, as usual, represent one of the high moments of the session and give rise to an extremely valuable exchange of views on the

process of codification and progressive development of international law. In that debate, it would be crucial during the discussion for Member States to advance clear and articulated positions on the various subjects as well as concrete answers to key questions submitted to them.

In conclusion, Mauro Politi quoted from Aristotle's *Politics*: "Law is order, and good law is good order." The Committee's objective, he said, should be to advance international law according to that simple but challenging standard.

The President of the International Court of Justice warned members of the Committee of the dangers of legal fragmentation and of inconsistency in case law, as a result of the proliferation of international courts. Judge Gilbert Guillaume said the proliferation of judicial bodies was a response to the need to subject expanding inter-State relations and cross-frontier transactions to the rule of Law. Among the unfortunate consequences from proliferation, though, were the risk of overlapping jurisdictions, which could lead to "forum shopping," the rendering of conflicting judgements and inconsistency in case law.

While international law certainly had to adapt itself, he said, it must nonetheless preserve its unity and provide the players on the international stage with a secure framework. He suggested that before creating a new court, it should be determined if an existing body could serve the purpose. Judges must engage in constant inter-judicial dialogue and relations between the courts needed to be institutionalised.

One option, he said, would be for the International Court of Justice to act as a court of appeal or review. However, that possibility required strong political will on the part of States, and far-reaching changes in the Court, which would need to be given substantial resources. He was not certain such a will existed. Alternatively, other international courts could be encouraged to seek the opinion of the Court.

The Committee considered the efforts of the International Law Commission to elaborate *legal instruments on reservations to treaties and international liability for the prevention of transboundary damage from hazardous activities*.

The representative of India said the regime of prevention of significant risk of transboundary harm could not be isolated from issues of development. Necessary funding and transfer of resources, including enhanced access to suitable technology and fair and reasonable prices to less developed countries, was essential for the success of any building of standards in that regard. He welcomed reference to the right to development in the preamble of the draft text on liability.

The representative of Hungary strongly supported the introduction of new articles on the establishment of contingency plans for emergencies and on the duty of notification of an emergency.

The representative of Japan said he strongly supported the International Commission's focus on the question of prevention and its decision to defer consideration of the question of international liability. On the Commission's

long-term programme of work, he said it should consider environmental issues, with the scope limited to international environmental law and with the objective of compiling substantive provisions on multilateral environmental law.

Several speakers in the debate drew the connection between compliance with the Geneva Conventions and its Protocols on protection of civilian populations and the establishment of the International Criminal Court on both items.

In discussing the report of the International Law Commission, the Committee discussed at length the Chapter relating to the *draft Articles on State Responsibility for internationally wrongful acts*. The Commission intends to finalise the 59-article text at its next session in 2001. Part I of the draft text entitled "The internationally wrongful act of a State" contains articles 1 to 27 relating to the relevant general principles, the act of the State under international law and the breach of an international obligation. Other issues covered are the responsibility of a State in relation to the act of another State, as well as the circumstance that may preclude the wrongfulness of an act.

Part I is in two sections. The first, on "content of international responsibility of a State," contains articles 29 to 42, addressing the relevant general principles and the various forms of reparation, as well as serious breaches of essential obligations to the international community. A new Part II *bis* is entitled "the implementation of State Responsibility" and contains articles 43 to 49, which address the procedural and substantive aspects of the invocation of State responsibility. It also contains articles 50 to 55, which set forth various conditions and limitations with respect to countermeasures. A new Part IV, entitled "General Provisions", includes articles 56 to 59.

Alfonso Valdívieso (Colombia), speaking on behalf of the Rio Group, said its preference was for the adoption of the draft articles on State responsibility in the form of a convention, since that could contribute to a resolution of disputes that might stem from non-fulfilment of the international obligations of States.

Harry Verweij (Netherlands), said his country had followed with great interest and some concern developments on the topic of *transboundary harm*. He understood that the issue of liability had been deferred, pending the adoption of the draft articles, but stressed that he considered the adoption of draft articles to be an essential element of work on the topic.

The Netherlands was disappointed that no further thought had been given to the elaboration of the provisions on environmental impact assessment. Also, the treatment of dispute settlement had remained meagre. He urged the Commission to further improve the draft articles in light of the comments and observations submitted by governments.

During the remainder of the four-day debate on the subject, Committee members stressed the need for, among other things, a clear definition of the breaches of State responsibility and restrictive definition of the injured State affected by a wrongful act of another State. Some urged specific rules on how responsibility could be invoked, as

well as strong safeguards against unlawful use of counter-measures and the clear enumeration of the limits of such measures.

Action by the General Assembly

The Sixth Committee recommended two decisions and 14 resolutions to the Assembly, all of which, with the exception of a resolution on terrorism, were approved without a vote.

One of the resolutions approved sets dates for its Ad Hoc Committee on terrorism to meet concerning a comprehensive convention on international terrorism. Two more sessions were recommended for the Preparatory Commission of the International Criminal Court.

By a resolution approved by the Committee on the International Law Commission, the Assembly decided that the Commission's next session would be held next year in Geneva, in two parts. Governments were requested to reply to the questionnaire on unilateral acts of States being



A general view of the General Assembly Hall on opening day of the fifty-fifth Session of the General Assembly
Courtesy: UN Photo

studied by the Commission, as well as to submit information on national legislation, decisions of domestic courts and State practice on diplomatic protection to assist the Commission in its work on that subject.

The General Assembly established an *ad hoc* committee, which is to meet for two weeks in March 2002, to continue work on a draft convention on jurisdictional immunities of States and their property, which is being studied in the context of the increasing involvement of States in commercial activities.

The Assembly also emphasised the need to give higher priority to the work of the UNCITRAL, given the increasing value of the modernisation of international trade law for global economic development.

Two more sessions were scheduled by the Assembly for the Preparatory Commission of the International Criminal Court, to continue working on the rest of the arrangements for the Court. The sessions will take place from 26 February–9 March and from 24 September–5 October 2001. So far, the treaty for the Court has received 25 of the 60 ratifications necessary to bring the Court into being.

The Statute of the Administrative Tribunal of the United Nations was amended by the Assembly to enhance the Tribunal's judicial character and standing. The amendment

replaced some provisions relating to qualifications of the Tribunal's members and term of office, and introduced an article by which a significant question of law could be referred for consideration by the whole seven-member Tribunal.

Decisions taken without Committee

Oceans and the Law of the Sea

The debate on this topic covered among other things: conservation, marine pollution, unregulated fishing, and piracy on the High Seas.

Iceland's representative told the Assembly that developing countries, for which *fisheries* were particularly important for their livelihood, food security and foreign exchange earnings, could not be expected to accept micro-management of their economies by the General Assembly.

He said fish were the primary source of animal protein for one billion people in the developing world. While this was not meant to say that his Government was against all discussion of issues concerning fisheries, it nevertheless felt that the Assembly should address issues that were global in nature, notably marine pollution, and could only be resolved through global cooperation. Conservation and sustainable utilisation of living marine resources was a local and regional matter. Iceland considered fisheries subject to the sovereign rights of States or to the responsibility of regional fisheries management organisations.

Introducing a draft resolution on oceans and the law of the sea, the representative of New Zealand said it was more apparent than ever that the problems of oceans and seas were inter-related and needed to be considered as a whole. That principle was at the heart of the UN Convention on the Law of the Sea, and the same integrated approach needed to be taken in the implementation of the Convention and to the activities carried out within its framework.

James Carmichael (United States), introducing the *resolution on large-scale pelagic drift-net fishing, unauthorised fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments*, said the resolution represented a successful merger of various regional and global priorities.

On 27 October, the General Assembly met to conclude its debate on the topic and to take action on two draft resolutions.

By the terms of draft resolution A/55/10, the Assembly would call upon all States to become parties to the Convention on the Law of the Sea, and to harmonise national legislation with the Convention's provisions and ensure their consistent application.

On 30 October 2000, at the end of an extensive debate, the General Assembly passed *two resolutions urging States to combat piracy and protect marine life*.

In the resolution on the protection of marine life, adopted in a recorded vote of 103 in favour, none against and 44 abstentions, the Assembly reaffirmed the importance it attached to conservation of marine resources by encouraging all States to implement the Food and Agri-

culture Organisation's (FAO) International Plans of Action for reducing the incidental take of seabirds in longline fisheries, for the conservation of sharks and for the management of fishing capacity.

South Atlantic Zone of Peace

A report of the Secretary-General (document A/55/476) on the zone of peace and cooperation of the South Atlantic was before the Assembly. In a recorded vote of 119 Member States in favour and one abstention (United States), on 29 November 2000, the General Assembly adopted a resolution on the zone of peace and cooperation of the South Atlantic. By the terms of the resolution, which was introduced by the representative of Argentina on behalf of the members of the zone, it would call upon all States to cooperate in the promotion of the objectives established in the declaration of the zone of peace and cooperation of the South Atlantic, and to refrain from any action inconsistent with those objectives. In the text the Assembly also called upon Member States to continue their efforts towards the achievement of appropriate regulation of maritime transport of radioactive and toxic wastes, taking into account the interests of coastal States and in accordance with the United Nations Convention on the Law of the Sea and the regulations of the International Maritime Organisation (IMO) and the International Atomic Energy Agency (IAEA).

The representative of Brazil said the zone provided Member States with mechanisms to face common problems. High on the list of priorities were efforts to protect the marine environment and to cooperate in combating illegal drug trafficking. On the conservation of the marine environment, he favoured the adoption of new mechanisms to prevent environmental accidents and promote the exchange of information.

Since its creation in 1985, the zone had been an excellent forum for discussion and deepening relations of cooperation and friendship between African and Latin American States of the South Atlantic. Members of the zone had set fundamental goals, especially strengthening peace and security, the peaceful solution and negotiation of all disputes, the promotion of democracy, respect for human rights and good governance, the promotion of trade between the Latin American and African States of the zone, the protection of environment and marine life, cooperation against drug smuggling, and the development of the concept of solidarity in emergency humanitarian situations.

Global Human Order

The Assembly adopted, without a vote, a text on the role of the United Nations in promoting a *new global human order*, introduced by the representative by Guyana. By its terms, the Assembly stressed the need for a broad-based consensus for action within a comprehensive and holistic framework towards the achievement of the goals of development and poverty eradication, involving all actors, namely governments, the international community, the private sector, NGOs and other relevant actors of civil society. ➤

Assistance in Mine Action

A relevant draft resolution introduced by Didier Le Bret (France), on behalf of the European Union and the co-sponsors of the draft, was adopted without a vote.

By its terms, the Assembly called for the continuation of United Nations efforts to foster the establishment of mine-action capacities in countries where mines constitute a serious threat to the safety, health and lives of the local population or an impediment to social and economic development efforts.

Other Actions

The General Assembly elected Colombia, Ireland, Mauritius, Norway and Singapore to serve as non-permanent members of the Security Council for a two-year term, commencing on 1 January 2001. The Assembly welcomed Tuvalu as the 189th Member State of the United Nations.

Closing Address

The President of the fifty-fifth session, giving an overview of the Assembly's work prior to its suspension on 23 December 2000, said the Millennium Declaration adopted at the Millennium Summit (see *Environmental Policy & Law*, Vol. 30 (2000) No. 6 at page 263), had established the character of the main session and also its main challenge. "In my view, the Declaration is one of the most important documents of recent times," he said. "If we are able to achieve its targets, it will have an enormous impact globally."

The Assembly had established a follow-up mechanism

to the Millennium Summit, the President said, marking the Summit Declaration as an integral part of the ongoing work of the United Nations and identifying whose responsibility it was to implement the Declaration and how to monitor that process in a proactive way.

He spoke of the many resolutions adopted by the regular session pertaining to environment and sustainable development, and congratulated the various Committees on the work they had achieved.

Two major items had dominated the Assembly's deliberations during November/December, he said, namely, the implementation of the report of the high-level Panel on UN Peace Operations – the "Brahimi report", named after the Panel's Chairman, Lakhdar Brahimi, and the new scale of assessments, which was deliberated upon by the Fifth Committee.

The President recalled that no agreement was reached on the issue of the use of veto, although a number of States called for, at least for the moment, voluntary restrictions upon its use.

An important concern of the President had been to find ways to improve the functioning of the General Assembly itself, and to that end he had tried to work in an open and transparent way with his colleagues and to foster a collaborative spirit. He had instituted some changes, and he was looking at ways to streamline the Assembly's huge agenda. In order to guide the process he intended to convene an informal "brainstorming" session of the Assembly's General Committee in February 2001. (MJ)

