

# 54<sup>th</sup> Session: Resolutions on Environmental Policy and Law

by Harm Dotinga \*

## Introduction

On 14 September 1999 Theo-Ben Gurirab (Namibia) was elected President of the 54th session of the United Nations (UN) General Assembly.

The agenda for the 54th session, which was adopted on 17 September 1999 based on the report of the General Committee (A/54/250), consists of 170 items. Seventy-three agenda items were considered directly in the plenary. The remaining issues were referred to one of the General Assembly's six Main Committees. The recess date for the 54th session was set for 14 December 1999 and

the closing date for 5 September 2000. The General Debate was held from 20–25 September and from 29 September to 2 October 1999.

The following contains a brief overview of the resolutions adopted by the General Assembly on issues related to environmental policy and law. Most of the relevant resolutions were prepared by the Second Committee. Also included are some of the resolutions prepared by the other Main Committees and those adopted by the General Assembly without reference to a Main Committee. The resolutions are discussed in order of Main Committee.

The relevant resolutions that were discussed and adopted directly in the Plenary are summarized in the last part of this article. ►

---

\* Netherlands Institute for the Law of the Sea, Utrecht University.

## Resolutions Prepared by the Main Committees

### First Committee (Disarmament and International Security Issues)

#### *Antarctica*

On the question of Antarctica, an issue considered by the General Assembly every three years, the First Committee had before it a Report of the Secretary-General (A/54/339) and a Letter from the Representative of South Africa transmitting a communiqué of the meeting of Ministers for Foreign Affairs and Heads of Delegation of the Movement of Non-Aligned Countries, held in New York on 23 September 1999.

The First Committee produced a draft resolution (L.58) entitled "Question of Antarctica," which was adopted without a vote by the General Assembly as resolution 54/45 on 1 December 1999. The resolution welcomes the entry into force of the Madrid Protocol on Environmental Protection to the Antarctic Treaty on 14 January 1998, under which Antarctica has been designated as a natural reserve, devoted to peace and science. It recalls the statement in Agenda 21 that States carrying out research activities in Antarctica should continue to ensure that data and information resulting from such research are freely available to the international community.

#### *Disarmament*

On the agenda item of general and complete disarmament the First Committee recommended the adoption of 22 draft resolutions to the General Assembly. On 1 December 1999 the Assembly adopted 21 of these resolutions as resolutions 54/54A–V.

In resolution 54/54C (adopted without a vote), entitled "Prohibition of the dumping of radioactive wastes," (see page 80) the General Assembly expresses grave concern regarding any use of nuclear wastes that would constitute radiological warfare and have grave implications for the national security of all States. The resolution calls upon all States to take appropriate measures with a view to preventing any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States. It also includes renewed requests to 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 to intensify efforts towards an early conclusion of such a convention.

Resolution 54/54Q, which was adopted by recorded vote of 114 in favour to 28 against, with 22 abstentions (114-28-22) (see page 81), is entitled "Follow-up to the advisory opinion of the International Court of Justice on the Legality of the Threat or Use of Nuclear Weapons." This resolution underlines once more the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control. It calls upon all States to fulfil that obligation

immediately by commencing multilateral negotiations in 2000, leading to an early conclusion of a nuclear weapons convention prohibiting the development, production, testing, deployment, stockpiling, transfer, threat or use of nuclear weapons, and providing for their elimination.

The Assembly also adopted a resolution on the observance of environmental norms in the drafting and implementation of agreements on disarmament and arms control (adopted as resolution 54/54S by a recorded vote of 159-0-4) (see page 81). This resolution reaffirms that international disarmament forums should take fully into account the relevant environmental norms in negotiating treaties and agreements on disarmament. The resolution also calls upon all States to adopt unilateral, bilateral, regional and multilateral measures so as to contribute to ensuring the application of scientific and technological progress in the framework of international security, disarmament and other related spheres, without detriment to the environment or to its effective contribution to attaining sustainable development.

Resolution 54/54T concerns the relationship between disarmament and development (see page 82).

### Second Committee (Economic and Financial Issues)

On 22 December 1999, the General Assembly adopted 37 resolutions contained in the reports produced by the Second Committee. Among these were 12 resolutions dealing with environment and sustainable development. The 12 resolutions, which were all adopted by the General Assembly without a vote, relate to the following issues.

#### *Environment and Sustainable Development*

For consideration of the general agenda item on environment and development (agenda item 100) the Second Committee had before it three reports: the Report of the Governing Council of the United Nations Environment Programme (UNEP) on the work of its twentieth session (A/54/25 and Add.1) (see page 94); the Report of the Secretary-General on the World Solar Programme 1996-2005 (A/54/212); and the Report of the Secretary-General on international institutional arrangements related to environment and development (A/54/80). In addition to these reports, the Committee had before it several Letters from representatives of Member States. The Second Committee produced four draft resolutions on this agenda item.

Draft resolution I on "Conservation and sustainable development of Central African forest ecosystems" was prepared by the Second Committee on the basis of a draft resolution introduced on 25 October 1999 by Cameroon, on its own behalf and that of Chad, the Congo, Equatorial Guinea and Gabon (draft L.7, revised version L.51). The resolution (adopted by the General Assembly as resolution 54/214; see page 92) invites the international community to support the countries of Central Africa through the provision of financial and technical assistance on a regional basis in their efforts to implement the undertakings set out in the Declaration adopted by the Summit of Central African Heads of State on the Conservation and Sustainable Management of Tropical Forests, held in

Yaoundé from 12–17 March 1999. It also encourages the international community, including the Global Environment Facility and the Intergovernmental Forum on Forests, when considering ways and means of achieving the conservation and sustainable management of all types of forests, to take into account, *inter alia*, the forests of the Central African subregion.

Guyana, on behalf of the Group of 77 and China, introduced two draft resolutions on 1 November 1999 on this agenda item. These drafts provided the basis for draft resolutions II and III. Draft resolution II (introduced as L.16, revised as L.61) entitled “World Solar Programme 1996–2005” (adopted by the General Assembly as resolution 54/215; see page 93) calls upon all relevant funding institutions and bilateral and multilateral donors, as well as regional funding institutions and non-governmental organizations to support, as appropriate, the efforts being made for the development of the renewable energy sector in developing countries on the basis of environment-friendly, renewable sources of energy of demonstrated viability, while taking fully into account the development structure of energy-based economies of developing countries. Governments are invited to encourage the involvement of all relevant stakeholders, including the private sector, in the promotion of research on and the development of renewable sources of energy, in particular, within this context, the implementation of the World Solar Programme 1996–2005, in accordance with their respective national policies. The Secretary-General is requested to present a report on concrete action taken to implement the World Solar Programme to the 55th session of the General Assembly. He is also requested to prepare a report on the action taken to implement the current resolution to be submitted to the Commission on Sustainable Development (CSD).

Draft resolution III (introduced as draft L.17, revised version L.67) is entitled “Report of the Governing Council of the United Nations Environment Programme” (adopted by the General Assembly as resolution 54/216; see page 94). It supports the proposals for the facilitation of and support for enhancing linkages and co-ordination within and among environmental and environment-related conventions and acknowledges the important role played by UNEP in this and other respects. It also notes the contribution made by UNEP to the 7th session of the CSD and encourages the Governing Council of UNEP to provide its scientific, technical and policy information, analysis and advice on global environmental issues to the CSD at future sessions, in particular with regard to the ten-year review of the United Nations Conference on Environment and Development in 2002. The resolution calls upon all countries to ensure the provision of sufficient financial resources, on a stable and predictable basis, for the successful implementation of the work programme for the biennium 2000–2001 and requests the Secretary-General to provide the necessary resources from the regular budget



of the UN to UNEP for the biennium 2000–2001.

Draft resolution IV, entitled “Enhancing complementarities among international instruments related to environment and sustainable development”, was adopted by the Second Committee on the basis of a draft resolution (L.22, revised version L.59) introduced by the Russian Federation, on behalf of Canada, New Zealand, the Russian Federation and Turkey on 9 November 1999. The resolution (adopted by the General Assembly as resolution 54/217; see page 94) encourages the Conferences of the Parties to, and the permanent secretariats of, the United

Nations Framework Convention on Climate Change (UNFCCC), the Convention on Biological Diversity (CBD) and the United Nations Convention to Combat Desertification in those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa (UN Convention on Desertification) to further examine appropriate opportunities and measures to strengthen their complementarities and to improve scientific assessments of ecological linkages among the three conventions. It also encourages the secretariats

of the various environmental and environment-related conventions and international organizations to strengthen co-operation with a view to facilitating progress in the implementation of those conventions at international, regional and national levels. Similar statements are also contained in the resolutions adopted by the General Assembly on each of these three conventions (see *infra*). The Secretary-General is requested to prepare, in consultation with the Executive Director of UNEP and the executive secretaries of the conventions, a report on the implementation of resolution 54/217 to be submitted to the General Assembly’s next session.

#### **Implementation of UNCED**

For the consideration of this agenda sub-item the Second Committee had before it the Report of the Secretary-General on measures taken in the UN system to accelerate progress in the implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21 (A/54/131-E/1999/75).

The Second Committee recommended to the General Assembly the adoption of a draft resolution (L.58) on “Implementation of and follow-up to the outcome of the United Nations Conference on Environment and Development and the nineteenth special session of the General Assembly”. The resolution (adopted by the General Assembly as resolution 54/218; see page 96) emphasizes the vital importance of the implementation of Agenda 21 in a comprehensive manner and stresses the need to accelerate its full implementation. It reaffirms the central role of the CSD in reviewing progress on and promoting implementation of Agenda 21. It also invites regional and relevant functional commissions, the Governing Council of UNEP, the Global Environment Facility and a number of secretariats to submit reports and views as part of the preparations for the ten-year review of Agenda 21 in 2002. ■

### **Natural Disaster Reduction**

The Second Committee had several reports of the Secretary-General and a Letter from the Permanent Representative of Ecuador before it regarding this agenda sub-item. Two draft resolutions were recommended for adoption to the General Assembly.

Draft resolution I (L.44) entitled "International Decade for Natural Disaster Reduction: successor arrangements" (adopted by the General Assembly as resolution 54/219; see page 97) endorses the proposal of the Secretary-General to establish an inter-agency task force and secretariat for disaster reduction for the initial period of the biennium 2000–2001. It also requests the Secretary-General to establish a trust fund for disaster reduction, from voluntary contributions, to enable the funding of the inter-agency secretariat.

Draft resolution II (L.43) on "International co-operation to reduce the impact of the El Niño phenomenon" (adopted as resolution 54/220; see page 98) calls upon the Secretary-General, the relevant UN organizations and the international community to take necessary measures, as appropriate, to establish an international research centre on El Niño at Guayaquil, Ecuador and invites the international community to provide financial, technical and scientific assistance and co-operation for this purpose.

### **Biological Diversity**

The Second Committee had before it a Note by the Secretary-General transmitting the report of the Executive Secretary (A/54/428) of the Convention on Biological Diversity (CBD).

The draft resolution on this issue (L.55) that was recommended to the General Assembly (adopted as resolution 54/221; see page 99) recognizes the importance of the adoption of a protocol on biosafety. It welcomes decision IV/15 adopted by the Conference of the Parties of the Convention at its fourth meeting, which stressed the need to ensure consistency in implementing the CBD and World Trade Organization agreements and stresses the importance of the implementation of the Convention at all levels. It also welcomes the offer of Spain to host, in Seville in March 2000, the first meeting of the *Ad Hoc* Open-ended Inter-Sessional Working Group on article 8(j) of the Convention regarding the traditional knowledge, innovations and practices of indigenous and local communities.

The resolution also calls upon States parties to the CBD to settle urgently any arrears and to pay their contributions to ensure continuity in the cash flows required to finance the ongoing work of the Conference of the Parties, the subsidiary bodies and the Convention secretariat.

### **Global Climate**

On this issue the Second Committee had before it a Letter from the President of the Conference of the Parties to the UNFCCC at its fifth session (A/C.2/54/6).

The Second Committee presented the draft resolution (L.54) "Protection of global climate for present and future generations of mankind" to the General Assembly (adopted as resolution 54/222; see page 100). Among other things, the resolution calls upon all Member States that have not done so to ratify or accede to the Kyoto Protocol to the UNFCCC in order to bring it into force. It also call upon States parties to continue to take effective steps to implement their commitments under the UNFCCC and encourages them to work constructively towards advancing the work necessary for the timely entry into force of the Kyoto Protocol and its implementation.

### **Desertification**

The Second Committee had before it the Report of the Secretary-General on the implementation of the UN Convention on Desertification (A/54/96).

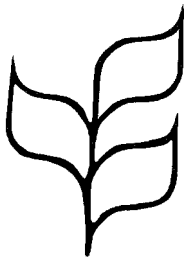
A draft resolution (L.62) entitled "Implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa" was presented to and subsequently adopted (as resolution 54/223; see page 101) by the General Assembly. It, *inter alia*, calls upon the Governments, multilateral financial institutions, regional development banks, regional economic integration organizations and all other interested organizations, non-governmental organizations and the private sector, to contribute generously to the General Fund, as well as the Supplementary Fund and the Special Fund that were both established on 1 January 1999. The resolution also invites affected developing countries that have not yet adopted their national (or, where appropriate, regional and subregional) action programmes, to accelerate the process of elaboration and adoption of their action programmes with a view of finalizing them no later than the end of 2000.

### **Small Island Developing States (SIDS)**

On this issue the Second Committee recommended to the General Assembly the adoption of two draft resolutions.

Draft resolution I (L.50) is entitled "Implementation of the Outcome of the Global Conference on the Sustainable Development of Small Island Developing States" (adopted by the General Assembly as resolution 54/224; see page 103). It calls on Governments, regional commissions and organizations and other intergovernmental organizations to support the efforts of the small island developing States (SIDS) and urges them to take the actions necessary for the further implementation and effective follow-up of the Programme of Action for the Sustainable Development of SIDS. It also urges all relevant organizations to finalize, preferably before the end of 2000, work on a vulnerability index which would assist in defining the vulnerability of SIDS and in identifying the challenges to their sustainable development, for consideration by the Economic and Social Council and the General Assembly at the appropriate time.

The second draft resolution prepared by the Second Committee on this agenda item (L.60) is entitled "Pro-



moting an Integrated Management Approach to the Caribbean Sea Area in the Context of Sustainable Development" (adopted by the General Assembly as resolution 54/225; see page 103). The resolution encourages the further development of this approach, which will include environmental, economic, social, legal and institutional elements and will take into account the experience gained, as well as the provisions contained in the relevant instruments. It calls upon the Caribbean countries to further develop this integrated management approach to the Caribbean Sea area, and calls upon the international community and the UN system to actively support efforts to develop and implement this approach. It also calls upon Member States to give priority to improving their emergency response capabilities and to increase their participation in existing mechanisms to respond to natural disasters and for the containment of environmental damage in the Caribbean Sea area resulting from maritime transport accidents or incidents.

#### ***Other Resolutions Prepared by the Second Committee***

In addition to the 12 draft resolutions on environment and sustainable development, the Second Committee also recommended the adoption of draft resolutions and decisions to the General Assembly on issues relating to macro-economic policy questions; sectoral policy questions; sustainable development and international economic co-operation; operational activities for development; training and research; and related issues. The General Assembly adopted three of these resolutions by a recorded vote. All others were adopted by the Assembly without a vote.

The three resolutions adopted by a recorded vote deal with a stable international financial system (resolution 54/197, voting record 155-1-0); unilateral economic measures (resolution 54/200, voting record 107-3-46) and permanent sovereignty of the Palestinian people (resolution 54/230, voting record 145-3-6).

The resolutions that were adopted by the General Assembly upon the recommendation of the Second Committee with regard to sustainable development and international economic co-operation (agenda item 99) include the following.

Resolution 54/206 deals with the implementation of commitments and policies agreed upon in the Declaration on International Economic Co-operation. Among other things, it requests the Secretary-General, in collaboration with all concerned organs and organizations of the UN system, to submit to the General Assembly for its 55th session, through the Economic and Social Council, a draft text of an international development strategy for the first decade of the new millennium, with the aim of giving further impetus to international co-operation for the development and monitoring of long-term trends in the global economy as well as the attainment of internationally agreed targets.

Three resolutions were adopted dealing with the preparations for the special session of the General Assembly for an overall review and appraisal of the implementation of the Habitat Agenda (resolution 54/207); the implemen-

tation of the outcome of the United Nations Conference on Human Settlements (Habitat II) (resolution 54/208); and follow-up to Habitat II (resolution 54/209). They include, *inter alia*, a call for the provision of sufficient financial resources for the successful implementation of the work programme for the biennium 2000–2001.

Other resolutions on sustainable development and international economic co-operation adopted by the General Assembly include those dealing with women in development (resolution 54/210); developing human resources for development (resolution 54/211); international migration and development (resolution 54/212); renewal of the dialogue on strengthening international economic co-operation for development through partnership (resolution 54/213); and implementation of the Programme of Action for the Least Developed Countries for the 1990s (resolution 54/235).

The Second Committee also recommended to the General Assembly the adoption of a draft resolution (L.76) entitled "Role of the United Nations in Promoting Development in the Context of Globalization and Interdependence" (agenda item 104). The resolution (adopted as resolution 54/231) calls for increased international co-operation to address the challenges of globalization and calls upon all countries, in particular the major developed countries, to enhance coherence among their financial, trade and development co-operation policies, with a view to creating an enabling international economic environment supportive of development, in particular of developing countries.

#### **Third Committee (Social, Humanitarian and Cultural Issues)**

##### ***Indigenous People***

On 17 December 1999, the General Assembly adopted without a vote, upon the recommendation of the Third Committee, a resolution on the programme of activities of the International Decade of the World's Indigenous People (1994–2004). The resolution (54/150; see page 88) urges Governments to participate in the open-ended inter-sessional *ad hoc* working group established by the Commission on Human Rights in 1998 and to submit proposals on establishing a permanent forum for indigenous people within the UN system. According to the resolution, the General Assembly also decides that the UN Voluntary Fund for Indigenous Populations will be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the working group. Governments are encouraged to support the Decade by such measures as preparing programmes, plans and reports; by giving indigenous people greater responsibility for their own affairs and an effective voice in decisions on matters affecting them; and by contributing to the UN Trust Fund for the International Decade for the World's Indigenous People.

##### ***Right to Development***

Also on 17 December 1999, the General Assembly adopted a resolution on the right to development. The reso-

lution was subject to a series of votes on several of its preambular and operative paragraphs. The entire resolution was adopted by a recorded vote of 119-10-38 as resolution 54/175 (see page 90).

#### **Fourth Committee (Special Political and Decolonization Issues)**

On 6 December 1999 the General Assembly adopted 27 resolutions contained in the reports of its Fourth Committee. These resolutions included the following issues.

##### ***Atomic Radiation***

The resolution entitled "Effects of Atomic Radiation" (adopted without a vote as resolution 54/66; see page 82) reaffirms the decision to maintain the present functions and independent role of the UN Scientific Committee on the Effects of Atomic Radiation, including the present reporting arrangements. It endorses the Scientific Committee's intentions and plans for its future activities of scientific review and assessment on behalf of the General Assembly, including publication of its next comprehensive report in 2000. The resolution also expresses the appreciation of the General Assembly for the assistance rendered to the Scientific Committee by Member States, the specialized agencies, the International Atomic Energy Agency and non-governmental organizations, and invites them to increase their co-operation in this field.

##### ***Peaceful Uses of Outer Space***

On the issue of peaceful uses of outer space, the General Assembly adopted without a vote two resolutions upon the recommendation of the Fourth Committee.

The first resolution (adopted as resolution 54/67; see page 83) is entitled "International Co-operation in the Peaceful Uses of Outer Space." The resolution endorses the programme of work for the Committee's Legal Subcommittee, which include as regular agenda items a general exchange of views; the status of the international instruments governing the uses of outer space; and matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including ways to ensure its rational and equitable use. The General Assembly also recommends that more attention be paid to all aspects related to the protection and the preservation of the outer space environment, especially those affecting the Earth's environment. It also emphasizes the need to increase the benefits of space technology and its applications and to contribute to space activities favourable to sustained economic growth and sustainable development in all countries, in particular the developing countries, and mitigation of the consequences of natural disasters.

The second resolution (adopted as resolution 54/68; see page 85) relates to the Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III), held at Vienna from 19–30 July 1999. It urges Governments, organs, organizations and programmes within the UN system, intergovernmental and non-governmental organizations and industries conducting space-related activities to take the necessary action

for the effective implementation of the Conference's final document ("The Space Millennium: Vienna Declaration

### **Space and Human Development**

The Third United Nations Conference on the Exploration and Peaceful Uses of Outer Space (UNISPACE III, see last issue at page 209), adopted the Vienna Declaration on Space and Human Development and a strategy to address global challenges in the future. These are printed on pages 69-71.

on Space and Human Development"). The assembly also adopted resolution 54/53 on the "Prevention of an Arms Race in Outer Space"; see page 79.

#### **Fifth Committee (Administrative and Budgetary Issues)**

##### ***Programme Budget 2000–2001***

On 23 December 1999, the General Assembly adopted without a vote, upon the recommendation of the Fifth Committee, five resolutions on the programme budget for 2000–2001. The UN programme budget that was approved for the biennium 2000–2001 amounts to US\$2.536 billion. The resolutions include a call for the development of a comprehensive information technology strategy for the UN. It also includes decisions to reduce the level of resources proposed by the Secretary-General by some US\$3.44 million and reductions in resources for general temporary assistance, for consultants and staff travel.

According to resolution 54/250, the General Assembly has appropriated US\$20,864,500 of the total budget for the biennium 2000–2001 to the International Court of Justice and US\$34,522,300 to legal affairs (within Part III: international justice and law). Within Part IV (international co-operation for development) the General Assembly appropriated US\$ 8,743,400 for environmental issues.

#### **Sixth Committee (Legal Issues)**

##### ***UN Decade of International Law***

The Report of the Sixth Committee on the UN Decade of International Law (A/54/609) was adopted by the General Assembly on 17 November 1999, in a one-day plenary meeting that marked the closing of the Decade. This report contained two draft resolutions.

Draft resolution I (L.9) deals with the outcome of the action dedicated to the 1999 centennial of the first International Peace Conference (adopted by the General Assembly without a vote as resolution 54/27).

Draft resolution II (L.10) is entitled "United Nations Decade of International Law" (adopted by the General Assembly without a vote as resolution 54/28; see page 72). The resolution acknowledges that the Decade of International Law has contributed significantly to the strengthening of the rule of international law and reaf-

firms the continued validity of its main objectives. It invites States and international organizations to continue promoting the acceptance of and respect for the rules and principles of international law and to continue to pay attention to the identification of areas of international law that might be ripe for progressive development or codification. The General Assembly will continue to consider developments in the progress made in the implementation of the purpose of the Decade beyond its conclusion, in the framework of the agenda item "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law."

#### *International Law Commission*

The Report of the Sixth Committee (A/54/610) on the work of the 1999 session of the International Law Commission (ILC) contains two draft resolutions, which were adopted by the General Assembly without a vote on 9 December 1999.

Draft resolution I (adopted as resolution 54/111; see page 87) on the Report of the ILC on its 51st session takes note of the report of the ILC's 51st session and draws the attention of Governments to the importance for the ILC of having their views on the various aspects involved in the topics on the agenda of the ILC, which includes such topics as State responsibility; reservations to treaties; unilateral acts of States; international liability for injurious consequences arising out of acts not prohibited by international law; and protection of the environment.

Resolution 54/111 reiterates the invitation to Governments to submit comments and observations in writing by 1 January 2000 on the draft articles on international liability for injurious consequences arising out of acts not prohibited by international law (prevention of transboundary damage from hazardous activities). The resolution also provides that the ILC's 52nd session will be convened at the UN Office at Geneva from 1 May to 9 June and from 10 July to 18 August, 2000.

#### **Issues Considered Directly in the Plenary**

##### *New Members*

On 14 September 1999, the Republic of Kiribati, the Republic of Nauru and the Kingdom of Tonga were admitted as new members of the United Nations. To this end, the General Assembly adopted three resolutions (54/1-3). The admission of the three new members brings the total number of UN Member States to 188.

##### *Oceans and the Law of the Sea*

For the consideration of agenda item 40 on oceans and the law of the sea, the General Assembly had before it two reports prepared by the Secretary-General and three draft resolutions.

The Report of the Secretary-General on oceans and the law of the sea (A/54/429) contains a comprehensive review and evaluation of the activities that have been undertaken in 1999 to implement the 1982 United Nations Convention on the Law of the Sea (LOS Convention), which entered into force in 1994, and related develop-

ments. On the status of the LOS Convention, the report notes that five more States have ratified the LOS Convention since the previous annual review, bringing the total number of States Parties to 132. The report also contains a review of the most current activities of the institutions established under the LOS Convention (the International Seabed Authority (ISA), the International Tribunal for the Law of the Sea (ITLOS) and the Commission on the Limits of the Continental Shelf). With respect to environmental issues, the report mentions that the ISA considered during its fifth session, held in August 1999, a set of draft guidelines for the assessment of the possible environmental impact arising from the exploration for polymetallic nodules in the Area. These guidelines will be further discussed at the next meeting of ISA. The report also notes the important judgement delivered by the ITLOS on 27 August 1999 in the Southern Bluefin Tuna Cases (see page 263 of the last issue).

Part VII of the annual report reviews the most recent developments in the field of conservation and management of marine (living and non-living) resources and protection and preservation of the marine environment. In the section on marine fisheries, the report notes that, in addition to overfishing and by-catch, the prevalence of illegal, unregulated and unreported (IUU) fishing is one of the most severe problems currently facing fisheries. The report outlines several initiatives that have been taken within the framework of the Food and Agricultural Organization, the International Maritime Organization and several regional organizations to confront these problems. In the other sections of Part VII an overview is given of the latest developments in respect of the conservation of marine mammals; marine and coastal biodiversity; non-living resources; the various sources of marine pollution; regional activities; marine protected areas and climate change.

This year's report also contains (in Part XIII) the outcome of the review by the Commission on Sustainable Development (CSD) under the sectoral theme of "oceans and seas" of progress made in the implementation of Chapter 17 and other relevant Chapters of Agenda 21. This review was carried out by the Commission at its seventh session, held in New York in April 1999. The CSD, *inter alia*, emphasized the importance of international co-operation, in particular at the regional level, to ensure that the oceans and seas remain sustainable through integrated management. It recommended that particular priority should be given to the conservation, integrated and sustainable management and sustainable use of marine living resources, including the ecosystems of which they are part. Other priority issues that were identified by the CSD include: prevention of pollution and degradation of the marine environment from land-based and other activities; better scientific understanding of the oceans and seas; and encouraging, at national, regional and global levels, the steps necessary for an effective and co-ordinated implementation of the provisions of the LOS Convention and Agenda 21.

The second report that the General Assembly had before it was the Report of the Secretary-General on the

Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (A/54/461). This report provides information on recent developments and the current status of this Agreement. It contains information provided, at the request of the Secretary-General, by States and relevant international and non-governmental organizations. The Annex to the report states that, as of 30 September 1999, the Straddling Fish Stocks Agreement had been signed by 58 States and the European Community and ratified or acceded to by 24 States.

The three draft resolutions on this agenda item were adopted by the General Assembly on 24 November 1999.

The first resolution entitled "Oceans and the law of the sea" (adopted as resolution 54/31 by a recorded vote of 129-1-4; see page 73) calls upon States that have not done so to become parties to the LOS Convention and the Agreement on the Implementation of Part XI of this Convention. It also calls on States to harmonize as a matter of priority their national legislation with the provisions of the LOS Convention, to ensure the consistent application of those provisions and to ensure also that any declarations or statements that they have made or make when signing, ratifying or acceding conform with the LOS Convention and to withdraw any of their declarations or statements that do not conform with it. It requests the Secretary-General to convene the tenth Meeting of States Parties to the Convention in New York from 22-26 May 2000. Furthermore, it notes the continued contribution of the International Tribunal for the Law of the Sea to the peaceful settlement of disputes, as well as the work conducted within their competence by the other institutions established under the LOS Convention.

The resolution specifically urges States to take all practicable steps to prevent the pollution of the sea by dumping of radioactive materials and industrial wastes, in accordance with the relevant provisions of the 1972 London Convention, and calls upon States to become parties to and to implement the 1996 Protocol to this Convention. It also encourages States to continue to support the UNEP regional seas programme and to work within UNEP to enhance co-operation in the protection of the marine environment.

The second resolution is entitled "Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks" (adopted without a vote as resolution 54/32; see page 75).

The resolution calls upon States and other relevant entities that have not done so to ratify or accede to the Straddling Fish Stocks Agreement and to consider applying it provisionally. It also calls upon all States to ensure that their vessels comply with the conservation and management measures in accordance with the Agreement that have been adopted by subregional and regional fisheries management organizations and arrangements. Furthermore, it calls upon States not to permit vessels flying their flag to engage in fishing on the high seas without having effective control over their activities and to take specific measures to control fishing operations by vessels flying their flag. The General Assembly encourages all States and entities concerned to work with flag States and the UN Food and Agriculture Organization in developing and implementing measures to combat or curb illegal, unregulated and unreported fishing. Also, States and other entities are encouraged to integrate in an appropriate manner the requirements for the protection of the environment, notably those resulting from multilateral environmental agreements, in the management of straddling fish stocks and highly migratory fish stocks.

The last resolution adopted by the General Assembly on this agenda item (adopted as resolution 54/33 without a vote; see page 77) concerns the review by the CSD of the sectoral theme of "Oceans and seas". By this resolution

the General Assembly endorses the recommendations made by the CSD under this theme and decides to establish an open-ended informal consultative process. The purpose of this consultative process is to facilitate the annual review by the General Assembly, in an effective and constructive manner, of developments in ocean affairs by considering the Secretary-General's report on oceans and the law of the sea and by suggesting particular

issues to be considered by it. The emphasis of the consultative process is to be directed towards identifying areas where co-ordination and co-operation at the intergovernmental and inter-agency levels should be enhanced.

Resolution 54/33 provides that the consultative meetings will be open to all UN Member States, States members of the specialized agencies, and all parties to the LOS Convention, as well as entities that have received a standing invitation to participate as observers in the work of the General Assembly, and intergovernmental organizations with competence in ocean affairs. The meetings will take place for one week each year and will be convened for the first time from 30 May to 2 June 2000. Deliberations in the meetings will be based on the Secretary-General's report on oceans and the law of the sea, as well as any particular resolution or decision of the General Assembly, relevant special reports of the Secretary-General



Courtesy: Das Parlament



and recommendations of the CSD. The meetings may propose elements for the consideration of the General Assembly. The effectiveness and utility of the consultative process will be reviewed by the General Assembly at its 57th session.

#### ***Comprehensive Nuclear-Test-Ban Treaty***

On 6 December 1999 the General Assembly adopted without a vote a resolution (54/65) entitled "Co-operation Between the United Nations and the Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization." The resolution invites the Secretary-General to take the appropriate steps to conclude with the Executive Secretary of the Preparatory Commission of this Convention an agreement to regulate the relationship between the two organizations, to be submitted to the General Assembly for its approval.

#### ***IUCN Observer Status***

On 17 December 1999, the General Assembly adopted without a vote resolution (54/195) sponsored by 49 States containing the decision to invite the International Union for the Conservation of Nature and Natural Resources (IUCN) to participate in the sessions and work of the General Assembly in the capacity of observer. The resolution by other terms included a decision that future requests by organizations for observer status would be considered in plenary session after they had been considered by the legal committee.

The IUCN representative thanked the General Assembly for granting his organization observer status. He also stated that his organization was privileged to provide its expert analysis and research on items before the current session of the Assembly and was honoured and pleased to accept the invitation to become an observer. □