

# UNITED NATIONS ACTIVITIES

**UN/56<sup>th</sup> GA**

## Results of the Recent Session

### Introduction

As a result of the 11 September attacks on the United States, the problem of international terrorism dominated the debates during the fifty-sixth session of the United Nations General Assembly.

As a consequence of the attacks, the Assembly decided to consider measures to eliminate international terrorism, a Sixth Committee (Legal) item, directly in plenary.

Speakers during that debate stressed that the attack on the host country was also an attack on the values of the UN, and that terrorism should not be associated with any religion or culture. On 12 September, the Assembly unanimously adopted the session's first resolution, strongly condemning the acts of terrorism.

During the session's general debate – postponed from the beginning of the session to mid-November because of the attacks – the issue of terrorism was again raised by many of the 188 speakers. Other issues addressed were: the impact of the economic slowdown on developing countries, including the continuing lack of full access to markets of developed countries for products from developing countries; declining official development assistance; unsustainable debt levels; and the threat of HIV/AIDS. The situations in Africa and Afghanistan were also highlighted.

Speakers noted that Africa was the poorest continent in the world, and one-fifth of its population was living in conflict situations. Delegates were nonetheless confident that economic growth would lead to peace and sustainable development. By adopting the *New Partnership for Africa's Development*, formerly known as the New African Initiative, they were hopeful that democracy would be strengthened, a human rights culture entrenched, existing conflicts ended and corruption dealt with. Speakers emphasised that the Initiative deserved the full support of the international community.

During its consideration of the follow-up to the Millennium Summit of 2000, the Assembly was told that if the Millennium Declaration were not to become another useless piece of paper, it would have to be implemented in all sincerity and entirety. It was agreed that the follow-up fell far short of the goals set in the Declaration. Delegates were reminded that the Secretary-General's report on the subject – the 'road map' – contained numerous observations, recommendations and suggestions on issues such as peace and security, development and poverty eradication, environmental degradation, human rights, protecting the vulnerable, the special needs of Africa, and strengthening the UN.

Two days of high-level meetings and a dialogue among

civilisations was the culmination of the *Year of Dialogue Among Civilisations*, which had been an Iranian initiative. The outcome was the adoption of a global agenda and programme of action to advance goals such as inclusiveness, equity, equality, justice and tolerance, as well as to promote rights and freedom along with understanding of common ethical standards. By the resolution adopted, States and the UN system agreed to promote the dialogue by facilitating interaction and exchanges in fields such as art, sports, science and culture, and in fora such as competitions, festivals and visits.

The Assembly, acting with the Security Council, elected Nabil Elarby of Egypt to fill a vacancy on the International Court of Justice. It re-elected Klaus Töpfer to a second four-year term as Executive Director of the UN Environment Programme (UNEP). The Assembly also elected 29 members to the Governing Council of UNEP for four-year terms beginning on 1 January 2002, and 34 members to the International Law Commission (ILC) for a period of five years, beginning on 1 January 2002.

By the time of its recess, the fifty-sixth session had considered 143 items out of a total of 177 agenda items, and had adopted more than 280 resolutions.

*The following report summarises those developments, decisions and recommendations adopted by the General Assembly in the field of environmental law and policy that are of most interest to our readers, with emphasis on maritime issues (discussed in Plenary) and the results of the Second and Sixth Committees.*

### Oceans and the Law of the Sea Convention (Agenda item 30)

The Assembly had before it a report of the Secretary-General on *Oceans and the Law of the Sea (A/56/58 and Add. 1)*.

In an overview, the Secretary-General noted that the state of the world's seas and oceans is deteriorating, and the pollution of the seas and oceans has returned to the forefront of international concern. He reported that pollution generally enters the sea from coastal industries and sewage systems and that other activities giving rise for concern are fisheries, including the over-exploitation of stocks, by-catch and discards, as well as major changes in the shipping industry.

The Secretary-General stated that more than a billion people depend on the world's fisheries for their primary source of protein. The fishing fleets, which normally operate near the coast where fish stocks are increasingly over-exploited, are now venturing out into deeper waters, where

deep-sea stocks are more vulnerable than those in shallow waters.

Another major problem is the ageing of the world's shipping fleet, increasing risk of accidents and creating problems related to the disposal of decommissioned ships. A global market for seafarers has emerged, requiring a global response as well as a body of global standards applicable to the whole industry.

The report states that piracy and armed robbery are costing the shipping industry millions, while also endangering the lives of seafarers. However, many of those illicit acts are not defined as crimes under international law.

The report also addresses issues such as marine science and technology and access to resources into deep waters and remote areas. Development of marine technology has also permitted access to underwater cultural objects. In this respect, the Secretary-General recalled that negotiations were continuing at the United Nations Educational, Scientific and Cultural Organisation (UNESCO)

#### Ten Largest Ports in the World

| Port                   | Goods (in million metric tonnes) | Latest year available |
|------------------------|----------------------------------|-----------------------|
| 1. Singapore           | 306                              | (1995)                |
| 2. Rotterdam           | 294                              | (1995)                |
| 3. Chiba               | 193                              | (1992)                |
| 4. South Louisiana     | 172                              | (1996)                |
| 5. Houston             | 134                              | (1996)                |
| 6. Hong Kong           | 127                              | (1995)                |
| 7. Nagoya              | 124                              | (1995)                |
| 8. New York/New Jersey | 119                              | (1996)                |
| 9. Antwerp             | 108                              | (1995)                |
| 10. Yokohama           | 108                              | (1995)                |

Source: Crook, G. UNCTAD Secretariat (1998)

Courtesy: The Ocean ... our Future

for a regime applicable to the cultural heritage found in deep-water areas beyond the zones referred to in the United Nations Convention on the Law of the Sea (UNCLOS). (See also statement by Satya Nandan on page 54.)

According to the report, overall, the lack of coordination and cooperation in addressing ocean issues has prevented the emergence of more efficient and results-oriented ocean governance.

The United Nations Open-ended Informal Consultative Process on Oceans and the Law of the Sea was established in 1999 to deepen the debate in the Assembly and to contribute to a broader understanding of the issues. The first meeting of that Consultative Process took place in 2000 (see *Environmental Policy & Law*, Vol. 30 (2000) No. 5 at page 225).

The report reviews the status of the Law of the Sea Convention and its implementing Agreements, noting that since the report in 2000 (A/55/61), the pace of ratifications and accessions has slowed noticeably. Only three States – Nicaragua, Maldives and Luxembourg – have deposited their instruments of ratification. The addendum to the re-

port (A/56/58/Add. 1) notes that two more States – Bangladesh and Madagascar – have now deposited their instruments of ratification, so that at 30 September 2001, the number of States Parties to the Convention stood at 137.

The addendum to the Secretary-General's report contains chapters on, *inter alia*, UNCLOS and its implementing Agreements; Maritime Space; Marine Resources; the marine environment and sustainable development; and settlement of disputes.

The Assembly also had before it a *Report on the Work of the United Nations Open-ended Informal Consultative Process* established by the General Assembly in its resolution 54/33 in order to facilitate the annual review by the Assembly of developments in ocean affairs at its second meeting (see *Environmental Policy & Law*, Vol. 31 (2001) No. 4-5 at page 211).

The report contains a number of issues and elements for consideration by the Assembly, such as:

- Further progress on the prevention, deterrence and elimination of illegal, unreported and unregulated fishing (IUUF);
- Protecting the marine environment from pollution and degradation from land-based activities;
- The importance of marine scientific research for the objectives of sustainable development;
- Exchange and flow of data;
- General policy on marine science;
- Interactions between the atmosphere and the oceans;
- The need for scientific research for integrated management of oceans and coastal areas;
- Prevention of piracy and armed robbery at sea; and
- Coordination and cooperation within the UN system.

The report also summarised discussion at the first and second plenary session of the second meeting within the Consultative Process held at UN Headquarters from 7-11 May 2001, including the Statements made by the Under-Secretary-General for Legal Affairs and UN Legal Counsel, Hans Corell, and the Under-Secretary-General for Economic and Social Affairs, Nitin Desai.

Also before the Assembly was a widely-sponsored draft resolution on *Oceans and the Law of the Sea* (L.17) by which the Assembly would, among other things, call upon all States that had not done so to become parties to the Convention and the Agreement, and harmonise their national legislation with the provisions of the Convention.

The Assembly would further request the Secretary-General to convene the twelfth Meeting of States Parties to the Convention in New York from 16-26 April 2002, and to provide the services required. The Assembly would appeal to all States Parties to the Convention to pay their assessed contributions to the Authority and to the Tribunal in full and on time.

Also before the Assembly was a further report from the Secretary-General on the Agreement for the Implementation of the Provisions of the UN 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/56/357). A draft resolu-

tion (L.18) on the implementation of the provisions of the UN Convention on the Law of the Sea relating to the *Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks* was also before the Assembly.

By the terms of the draft, the Assembly would urge all States and other entities referred to in the Agreement to pursue cooperation with relevant organisations in relation to straddling fish stocks and highly migratory fish stocks, to ensure the effective conservation, management and long-term sustainability of such stocks, and, where there are no subregional or regional fisheries management organisations, to cooperate to establish such organisations.

The Assembly would ask the Secretary-General to include in his next report a background study concerning requirements of developing States and any assistance they may require. States would be urged, as a matter of priority, to coordinate their activities and cooperate through relevant regional fisheries management organisations in the implementation of the International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, which was recently adopted by the Food and Agriculture Organisation.

The development of national plans of action on illegal, unreported and unregulated fishing and management of fishing capacity would also be called for, together with information-sharing and full participation, in an effort to coordinate the work of the Food and Agriculture Organisation with other bodies, including the International Maritime Organisation.

### Discussion of draft resolutions

Marcel Biato (Brazil) introduced draft resolution L.17 on oceans and the law of the sea. He said that the draft and the debate were an expression of the Assembly's commitment to these issues. Many elements had benefited from the outcome of the Open-ended Informal Consultative Process on Oceans and the Law of the Sea. The draft was the result of a largely consensual negotiating process that reflected the broad-based acceptance of the contribution of the Law of the Sea Convention to the rule of law. It was a contribution that went beyond the confines of ocean affairs.

He said that his country's views would be reflected in the statement of Chile on behalf of the Rio Group. There was a growing understanding that problems relating to the oceans and the seas were interrelated and required a holistic approach. The adoption of the UNESCO Convention as well as the entry into force shortly of the UN Fish Stocks Agreement were positive trends, and both instruments would strike a fair balance between the different and often competing interests involved.

The speaker said that he valued highly the work of the International Seabed Authority. The recent issuance of contracts for prospecting and exploration of polymetallic nodules opened a new chapter in the sustainable development of ocean resources. Given the lack of experience and the relative paucity of information about the deep ocean, continued consideration of issues relating to the elaboration of regulations for activities such as explora-

tion of polymetallic sulphides and cobalt-rich crusts should be guided by general adherence to the precautionary principle.

Draft resolution L.18 on fish stocks was introduced by Sichan Siv (USA). He stated that the informal consultative process on oceans and the Law of the Sea had provided a valuable forum for nations to move forward on matters relating to the oceans and seas which required improved coordination. The issue discussed in Spring 2001 – marine science and combating piracy – were matters of considerable interest and concern to the USA. A few months later, a US scientific research vessel was attacked off the coast of Somalia, illustrating the threat that piracy posed to marine scientific research and other activities in the area.

He noted that marine science also had important international ramifications. Oceanographic and other marine studies often required access to the exclusive economic zones of other countries. In this respect, the Law of the Sea Convention established a framework for marine scientific research to ensure that coastal States received the benefits of research conducted in those zones.

The US delegate stated that his country was 'particularly pleased that the Agreement on Straddling Fish Stocks and Highly Migratory Fish Stocks is about to enter into force.'

He noted that the USA has long accepted the UN Convention on the Law of the Sea as embodying international law concerning traditional uses of the oceans. 'Because the rules of the Convention meet US national security, economic and environmental interests, I am pleased to inform you that the Administration of President George W. Bush supports accession of the USA to the Convention.'

Speaking on behalf of the Group of 77 and China, Bagher Asadi (Iran) said that sustainable development of the oceans and seas and their resources meant addressing the needs of developing countries, particularly through the transfer of environmentally sound technology and capacity building. The serious inadequacy or outright lack of technical, financial, technological and institutional capacity in developing countries to tackle effectively threats to the ecology of oceans and seas were among the main problems they faced. Those countries also lacked, or had insufficient access to, marine scientific research.

Vinci Clodumar (Nauru), speaking for the Pacific Islands Forum Group, said the development of the oceans provided the basis for development in his region, and the protection of its resources and environment protected the health of the region and its people.

One of the most serious problems related to the world's oceans and seas was the deteriorating state of marine living resources, the representative of Belgium, speaking for the European Union and associated States, told the Assembly.

Chile's representative, on behalf of the Rio Group, said the protection and preservation of the marine environment was essential for the future of the oceans, and States clearly had an obligation to contribute to the realisation of that principle. He stressed the importance of the Global Pro-

gramme of Action for the Protection of the Marine Environment from Land-based Activities.

The General Assembly concluded its consideration of maritime issues on 28 November 2001 with the adoption of two resolutions: on Oceans and the Law of the Sea and on the Fish Stocks Agreement.

The resolution on *Oceans and the Law of the Sea* was adopted by a recorded vote of 121 in favour to 1 against (Turkey), with 4 abstentions (Colombia, Ecuador, Peru and Venezuela).

Without a vote, the Assembly adopted the resolution on the *Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks*.

### Explanation of Votes

Speaking on behalf of the 14 coastal States of the Caribbean Community (CARICOM), Diane Marie Quarless of Jamaica said there was a need to ensure adequate protection of the fragile marine ecosystems from harmful events such as oil spills and pollution from hazardous waste. These were priorities for her region, where there was still concern at the inadequacy of protection offered coastal States by existing international regulations on the transport of radioactive nuclear waste by sea.

The CARICOM States attached priority to establishing a strong regional framework for the management of fisheries, and hoped that the recently established Regional Fisheries Mechanism would be central to a regional management regime.

The representative of Turkey, Altay Cenziger, explained his vote against the resolution on Oceans and the Law of the Sea. He stated that the Law of the Sea Convention did not make adequate provision for special geographical situations, and as a consequence was not able to establish an acceptable balance between conflicting interests.

With regard to the draft on the Agreement for fish stocks, his delegation reaffirmed its position just elaborated vis-à-vis the Law of the Sea Convention. Turkey was unable to give its consent to certain references to the Convention made in the draft, in particular to its second operative paragraph by which States were called upon to become parties to it, and so dissociated itself from the consensus of that paragraph.

Alejandra Quezada (Chile) said she would join consensus by voting in favour of the draft on the Agreement for fish stocks. However, her country considered other relevant instruments, such as the FAO Convention on the Code of Conduct or other regional agreements, to be equally important. The Agreement would not enter into force for six years. Chile would not sign it because it would leave coastal States unprotected, while giving other States undue rights. Chile would sign the convention for protecting the living resources of the Pacific. The framework Convention on the Law of the Sea was open for signature. It was the definitive framework convention for protecting the sea, the speaker said. Because of concerns to ensure that third parties who were not part of a treaty could not impose conditions, Chile had interjected its views into

some paragraphs during the drafting of the present resolution.

### International Seabed Authority (ISA)

Satya Nandan, Secretary-General of the International Seabed Authority (ISA), spoke of the Authority's work and said it had an important technical role to play as a global repository of data and information and as a catalyst for collaborative research at the international level. His statement (see page 54) gives a summary of the work of the Authority, recommendations for the future success of the ISA, and points out the problems surrounding the subject of marine scientific research.

Two of the particular issues, which Satya Nandan believes need to be addressed urgently, are the need to clarify certain aspects of the regime for marine scientific research and the question of how to deal with newly-discovered genetic resources, particularly in the deep sea vents. He explains that while there is freedom to engage in marine scientific research on the high seas and in the seabed, mineral resource prospecting and exploration in the Area are regulated through the Seabed Authority. He notes that the Law of the Sea Convention fails to distinguish adequately between the terms 'marine scientific research', 'prospecting' and 'exploration', nor does it make a distinction between 'pure' and 'applied' scientific research. He stresses that 'Here we have not only a very real conflict between true marine scientific research and mineral prospecting, but also the potential for multiple use conflicts between, for example, deep seabed miners, so-called bioprospectors, and the proper conservation and management of the deep ocean environment.'

### Plenary action on other issues

On 5 November 2001, the General Assembly adopted a resolution on the *Observance of the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict*.

Under the draft, the Assembly – recalling the UN Millennium Declaration, which emphasised the necessity of safeguarding nature for the sake of future generations and working for the protection of the common environment – would declare 6 November each year as the International Day for Preventing the Exploitation of the Environment in War and Armed Conflict (L.8).

At the same Plenary, the Assembly also adopted a resolution on the *International Decade for a Culture of Peace and Non-Violence for the Children of the World, 2001-2010*.

The General Assembly affirmed the importance of the South Atlantic to global maritime and commercial transactions by adopting on 21 November 2001 a resolution on the *Zone of Peace and Cooperation of the South Atlantic* (L.12). It took this action in a recorded vote of 93 in favour to none against, with 1 abstention (USA).

Arnoldo Listre (Argentina) had introduced the draft resolution on behalf of the 24 member countries of the Zone.

The USA delegate explained his action on the draft. He said that the draft's operative paragraph 8 implied that

the international scheme regulating the maritime transport of radioactive waste was not currently adequate. However, the International Maritime Organisation (IMO) and the International Atomic Energy Agency (IAEA) had recently concluded that the current international regulation scheme was fully adequate. His delegation had called for a recorded vote and would vote against the separate vote on paragraph 8 and abstain on the resolution as a whole.

By a separate recorded vote of 86 in favour to 1 against (USA), with 1 abstention (Singapore), the Assembly adopted in the same Plenary a paragraph related to the transport of radioactive and toxic wastes.

### First Committee (Disarmament and International Security)

The 11 September attacks brought a new urgency to the work of the Committee, as it grappled with the implications of such a strike being carried out using nuclear, chemical or biological weapons. Throughout the debate, Committee members called for a new security paradigm that took into account the insecurity and instability emanating from that event. In that context, many speakers urged the two major nuclear powers to achieve further drastic cuts in their nuclear arsenals, and all States to adhere, without delay or conditions, to the Conventions banning the production, stockpiling and use of chemical and biological weapons.

The General Assembly reflected the events of 11 September in several of the 49 Committee texts eventually adopted. For example, a resolution on reducing nuclear dangers called for a review of nuclear doctrines and immediate and urgent steps to reduce the risks of unintentional and accidental use of nuclear weapons. Another resolution reiterated its request to the Conference on Disarmament, the sole multilateral negotiating body on disarmament, to commence negotiations for an international convention prohibiting the use or threat of use of nuclear weapons under any circumstances.

Hope was expressed for the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty (CTBT), which bans all nuclear tests in all environments. Opened for signature five years ago, the Treaty awaits ratification by 31 States critical to its successful operation.

Conventional disarmament was another central theme of the debate, with many delegates insisting on more decisive action, particularly with respect to the scourge of small arms.

### Second Committee (Economic and Financial)

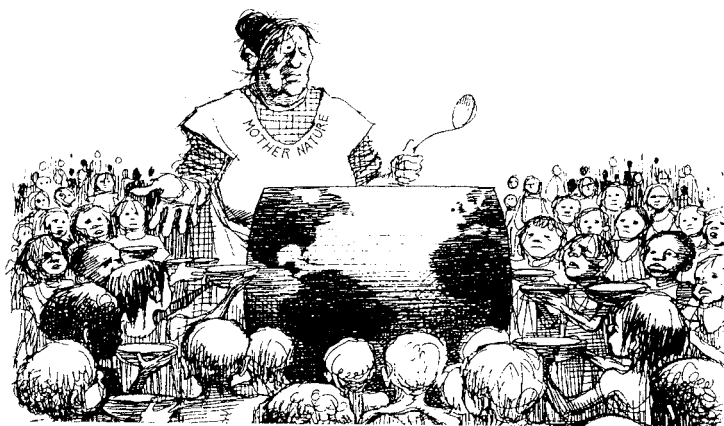
Francisco Seixas da Costa, the Permanent Representative of Portugal to the UN, was elected Chairman of the Second Committee. Jana Simonova (Czech Republic), Rapporteur of the Second Committee, introduced the reports of the Committee in Plenary. Among the new proposals of the Committee this year was a recommendation to the Assembly to provide the Office of the President of the Economic and Social Council with the means to carry out the Council's important functions. Also, the Commit-

tee recommended the establishment of an Office of the High Representative for Least Developed, Landlocked and Small Island Developing States. In addition, it approved transforming the Commission on Human Settlements and the United Nations Centre for Human Settlements (Habitat) into the United Nations Human Settlements Programme, to be known as UN-Habitat.

### Macroeconomic policy questions

The Committee's report on 'Macroeconomic policy questions' (doc. A/56/558) was submitted in five parts.

Part II of the Report contained three draft resolutions. Draft resolution I, on *international trade and development*, would have the Assembly welcome the decision by the Trade and Development Board to conduct the mid-term review of the outcome of the tenth session of the United Nations Conference on Trade and Development (UNCTAD)



Courtesy: Popline

at Bangkok from 29 April to 3 May 2002, and express deep appreciation to the Government of Thailand for offering to host the meeting.

The draft was adopted without a vote.

Iran, on behalf of the Group of 77, submitted the draft resolution on *unilateral economic measures as a means of political and economic coercion against developing countries* (L.36). By it, the Assembly would urge the international community to adopt urgent and effective steps to eliminate the use of such unilateral measures not authorised by relevant organs of the UN or inconsistent with the principles of international law as set forth in the Charter, and in contravention of the basic principles of the multilateral trading system.

Also, the Assembly would request the Secretary-General to continue to monitor the imposition of measures of this nature and to study the impact of such measures on the affected countries, including the impact on trade and development.

This was one of two resolutions approved by the Committee this session subject to a recorded vote. It was approved in Committee by a vote of 74 in favour to 1 against (US), with 47 abstentions.

Later in Plenary, by a vote of 100 in favour to 1 against (USA) with 46 abstentions, the text was adopted.

Draft resolution III, approved on 12 December 2001 without a vote, is on *specific action related to the particular needs and problems of landlocked developing countries* (L. 66), submitted by Felix Mbayu on the basis of informals held on L.37.

By its terms, the Assembly would, *inter alia*, request the Secretary-General to convene in 2003 an international ministerial meeting of landlocked and transit developing countries and donor countries and representatives of international financial and development institutions on transit transport cooperation, within existing resources of the budget for the biennium 2002-2003; and by voluntary contribution to review the current situation of transit transport systems. The ministerial meeting would also formulate appropriate policy measures and action-oriented programmes aimed at developing efficient transit transport systems.

In addition, the Assembly would consider the precise timing and venue of the international ministerial meeting at its next session, taking into consideration the generous offer made by Kazakhstan to host the meeting.

The Assembly later adopted the draft resolution by consensus.

Part III of the report contains one draft resolution. Approved on 4 December 2001, without a vote, the draft entitled *towards a strengthened and stable international financial architecture responsive to the priorities of growth and development, especially in developed countries, and to the promotion of economic and social equity* (L. 44) was submitted by Felix Mbayu, Committee Vice-Chairman, on the basis of consultations on draft resolution L.33.

By its terms, the Assembly would decide to include in the provisional agenda of its next session the subitem 'international financial system and development' – under the item entitled 'Macroeconomic policy questions.' It would also request the Secretary-General to submit to it at its next session a report on international financial systems and development, bearing in mind, among other things, the outcome of the International Conference on Financing for Development, to be held in Monterrey, Mexico in March 2002.

The Assembly later adopted this resolution by consensus.

Part IV of the report contains two draft resolutions. Approved in Committee by consensus on 12 December 2001, draft resolution I, on *science and technology for development* (L.67), was submitted by Felix Mbayu on the basis of informals on L.2. The text would have the Assembly call on the Secretary-General to continue to ensure that the Commission on Science and Technology and its secretariat within UNCTAD be provided with the necessary resources to enable it to better carry out its mandate.

The Assembly would also, *inter alia*, invite the Council to consider favourably the request of the Commission to establish a working group, to meet during the regular sessions of the Commission, for the purpose of evaluating the work of the Commission, to strengthen the Commission's role in the UN system and to increase its effectiveness.

The Assembly adopted the resolution by consensus.

Draft resolution II, also approved by consensus in the Committee, is on the *World Summit on the Information Society*. It would have the Assembly, among other things, welcome the resolution adopted by the Council of the International Telecommunication Union (ITU) at its 2001 session, in which it endorsed the proposal of the Secretary-General of the ITU to hold the Summit at the highest possible level in two phases, the first in Geneva from 10-12 December 2003, and the second in Tunis in 2005.

The resolution was adopted by consensus.

Part V of the report contains one draft resolution on *enhancing international cooperation towards a durable solution to the external debt problems of developing countries*, submitted by the Vice-Chairman (L.43), based on informals on L.32. By its terms, the Assembly would request the Secretary-General to report to it at its next session on the external debt crisis and development and, *inter alia*, on the outcome of the Financing for Development Conference. This was later adopted without a vote.

### Sectoral Policy Questions

The report of the Committee on 'sectoral policy questions' (document A/56/669) contains three draft resolutions, all of which were approved in Committee without a vote on 12 December 2001.

The draft resolution on *business and development* (L.18), sponsored by the USA, would have the Assembly request the Secretary-General, in cooperation with relevant UN organisations, to submit to it at its fifty-seventh session a follow-up report on the continuing implementation of resolution 54/204.

The Assembly later adopted this resolution by consensus.

Draft resolution II concerned *preventing and combating corrupt practices and transfer of funds of illicit origin and returning such funds to the countries of origin*, later adopted by the General Assembly without a vote.

Draft resolution III, on the Second Industrial Development Decade for Africa (1993-2002) called, *inter alia*, on the international community to support Africa's efforts to enhance the development of its human resources. This resolution was also adopted by consensus on 21 December 2001.

### Sustainable Development and International Economic Cooperation

The Committee's report on the subject (document A/56/560) was submitted in six parts (Adds. 1-5). Part II of the report contained a draft resolution on *women and development*, approved by consensus. Part III of the report contained one draft resolution on *human resources and development*, which would have the Assembly, among other things, call on the UN system to harmonise further its collective human resources development efforts. Part IV of the report contained one draft resolution and one draft decision. The former, on *high-level dialogue on strengthening international economic cooperation for development through partnership*, was approved in Committee by consensus. It would have the Assembly request

the Secretary-General, in close consultation with governments, all relevant parts of the UN system and other relevant stakeholders, to propose the modalities, the nature and the timing of such constructive dialogue and genuine partnership for the promotion of international economic cooperation for development, for consideration by the Assembly at its next session.

By the draft decision, *Summary by the President of the General Assembly of the high-level dialogue on the theme 'Responding to globalisation: facilitating the integration of developing countries into the world economy in the twenty-first century'*, the Assembly would take note of the President's summary.

Part V of the Report (A/56/560/Add.4) contained one draft resolution. The draft on *implementation of the Declaration on International Economic Cooperation, in particular, the Revitalisation of Economic Growth and Development of the Developing Countries, and implementation of the International Development Strategy for the Fourth United Nations Development Decade*, was approved by consensus.

Among other things, the Assembly would request the Secretary-General to provide it at its next session with an overview of the challenges and constraints faced, as well as progress made, in achieving the major development goals and objectives adopted by the UN during the past decade.

Part VI of the report (A/56/560/Add.5) contained one draft decision. The *'Report of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) on the implementation of General Assembly resolution 51/172'* would have the Assembly take note of the communication by the Secretary-General, entitled 'Communication for development programmes in the United Nations system', transmitting the report of UNESCO on the implementation of Assembly resolution 51/172, including the recommendations of the seventh Inter-Agency Round Table on Communication for Development.

The Assembly adopted all the above resolutions by consensus on 21 December 2001.

### Environment and Sustainable Development

The Committee's report on 'environment and sustainable development' (A/56/561) was submitted in nine parts.

Part II of the report (A/56/561/Add.1) contained only one draft resolution – that on the *World Summit on Sustainable Development*, adopted by consensus (L.71), which had been submitted in Committee by Vice-Chairman Djumala, on the basis of informals held on document L.11.

It would have the Assembly decide that the Summit shall be held in Johannesburg, South Africa, from 26 August to 4 September 2002, with the participation of Heads of State and Government during the period 2-4 September. It would also decide that the Summit would be open to all Member States and States members of the specialised agencies, with the participation of observers in accordance with the established practice of the Assembly and its conferences and with the rules of procedure of the Summit.

The Assembly would request the Commission on Sustainable Development, acting as the preparatory committee, to decide on all remaining issues related to the organisation of the work of the Summit. It would also request the Secretary-General to launch a public information campaign to raise global awareness of the Summit.

The Committee also had before it the statement on programme budget implications of L.71 (L.19). It stated that should the Assembly adopt L.71, it is estimated that an additional appropriation of \$352,500 would arise under the proposed programme budget for the biennium 2002-2003 under section 26, Public Information.

By the draft decision, on *documents relating to the implementation of Agenda 21 and the Programme for the Further Implementation of Agenda 21*, the General Assembly would decide to take note of the report of the Commission on Sustainable Development, acting as the preparatory committee for the Summit at its organisational session.

The Assembly adopted this resolution without a vote on 21 December 2001.

Part II of the report (A/56/561/Add. 2) contained two draft resolutions. Draft resolution I on *international cooperation to reduce the impact of the El Niño phenomenon* (L.46) was based on informals on L.12. The text calls in particular on those taking part in the International Strategy for Disaster Reduction to encourage the international community to adopt measures necessary to support the establishment of the international centre for the study of the El Niño phenomenon at Guayaquil, Ecuador.

This resolution was adopted by consensus.

Draft resolution II, on an *international strategy for disaster reduction*, was approved in Committee without a vote on 11 December 2001. It would have the Assembly decide that the Inter-Agency Task Force on Disaster Reduction should be modified to provide for the increased participation and continued membership of regional inter-governmental organisations and key UN agencies. The Assembly would also decide to maintain the annual observance of the International Day of Natural Disaster Reduction on the second Wednesday of October, as a vehicle to promote a global culture of natural disaster reduction, including prevention, mitigation and preparedness. The resolution was later adopted by consensus.

Part IV of the report (A/56/561/Ad. 3) contained one draft resolution. This was on *implementation of the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, particularly in Africa*. It would, among other things, approve the continuation of the current institutional linkage and related administrative arrangements between the Secretariat and the Convention secretariat for a further five-year period, to be reviewed by the Assembly and the Conference of the Parties not later than 31 December 2001. The Assembly adopted the resolution on 21 December without a vote.

Part V of the report (A/56/561/Add.4) had one draft resolution. Approved by consensus, the text on the *Convention on Biological Diversity* would have the Assembly call on parties to the Convention to settle urgently any

arrears and to pay their contributions in full and in a timely manner. The Assembly would also call on parties to the Convention to become parties to the Cartagena Protocol on Biosafety, as soon as possible.

The Assembly adopted this resolution by consensus.

Part VI of the report (A/56/561/Add.5) contained one draft resolution concerning *further implementation of the outcome of the Global Conference on the Sustainable Development of Small Island Development States (SIDS)*. The resolution, which was adopted by the Assembly without a vote on 21 December, would have the Assembly urge all relevant organisations to finalise, as a matter of urgency, work on the development of a vulnerability index, taking into account the special circumstances and needs of SIDS. It would also call on the Secretary-General to consider further cost-effective ways and means of increasing and improving the UN system-wide coordination and dissemination of information on activities in support of SIDS and the Programme of Action, through the SIDS Unit, including concrete measures for improving coordination within the UN system. Further, the Assembly would welcome the strengthened Unit and request the Secretary-General to consider ways to strengthen the Unit further by, among other things, establishing the SIDS Information Network within the Unit and by assisting those States with project implementation advice and assistance in the identification of short- and long-term capacity needs through coordination with regional and international institutions, and to make proposals in that regard.

Part VII of the report (A/56/561/Add.6) contained one draft resolution, approved in Committee on 12 December 2001 by consensus. *The protection of global climate for present and future generations of mankind* would have the Assembly call on all States Parties to continue to take effective steps to implement their commitments under the United Nations Framework Convention on Climate Change, in accordance with the principle of common but differentiated responsibilities.

Iran, on behalf of the Group of 77 developing countries and China, sponsored the draft resolution (L.41). By its terms, the Assembly would also urge member States to ratify or to accede to the Kyoto Protocol to the Climate Change Convention to ensure its entry into force, preferably by the tenth anniversary of the UN Conference on Environment and Development, in 2002. Also, the Assembly would approve the continuation of the institutional linkage of the secretariat of the Convention to the United Nations, and related administrative arrangements, for a further five-year period.

The Assembly would also request the Secretary-General to review the functioning of that linkage not later than 31 December 2006, in consultation with the Conference of the Parties to the Convention, to make such modifications as may be considered desirable by both parties, and to report thereon to the Assembly.

According to the *statement on programme budget implications* (L.50), no additional appropriations under the regular budget of the UN would be required as a result of the adoption of draft resolution L.41.

The resolution was adopted by consensus.

Part VIII of the report (A/56/561/Add. 7) contained one draft resolution. The draft on *promotion of new and renewable sources of energy, including the implementation of the World Solar Programme 1996-2005*, was approved by the Committee on 10 December. It calls on the Assembly to reiterate its call on all relevant funding institutions and bilateral and multilateral donors, as well as regional funding institutions and non-governmental organisations, to support the efforts being made for the development of the renewable energy sector in developing countries on the basis of environmentally friendly renewable sources of energy of demonstrated viability; while taking into account the development structures of energy-based economies of developing countries; and to assist in the attainment of the levels of investment necessary to expand energy supplies beyond urban areas.

Also, it would invite the Director-General of UNESCO to make effective the implementation of the Global Renewable Energy Education and Training Programme 1996-2005 in the various regions, and to strengthen the implementation of its African chapter. The resolution was adopted by consensus on 21 December.

Part IX of the report (A/56/561/Add.8) contained two draft resolutions and one draft decision. Draft resolution I, on the *status of preparations for the International Year of Freshwater, 2003* (L.48) was approved by consensus. Committee Vice-Chairman Dharmansjah Djumala (Indonesia) had submitted it, on the basis of informal consultations on a former draft (L.10). By the terms of the resolution, the Assembly would encourage all Member States, the UN system and major groups to take advantage of the Year to raise awareness of the essential importance of freshwater resources for satisfying basic human needs, health and food production, and the preservation of ecosystems, as well as for economic and social development in general and to promote action at the local, national, regional and international levels. In that context, the Assembly would call for high priority to be given to the serious freshwater problems facing many regions, particularly in developing countries.

Draft resolution II, on the *report of the United Nations Environment Programme (UNEP) Governing Council on its twenty-first session*, was approved by consensus on 11 December 2001. It would have the Assembly underline the need for sufficient financial resources on a stable and predictable basis to ensure the full implementation of the mandate of UNEP. The Assembly would also request the Secretary-General to keep the resource needs of UNEP and the United Nations Office at Nairobi under continuous review and make proposals as needed in the context of the UN budget to strengthen both bodies.

In addition, the Assembly would note the proposal of the Secretary-General to increase UN funding for the cost of servicing the UNEP secretariat and the Governing Council from the regular budget. The Assembly adopted the resolution by consensus.

With regard to the draft decision on the *report of the Secretary-General on products harmful to health and the environment*, the Assembly would take note of that report. —



### Permanent Sovereignty over Natural Resources

The Committee's report on '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' (A/56/564) contained one draft resolution on the topic.

By a vote of 131 in favour to 3 against, with 2 abstentions, the draft resolution was approved on 4 December 2001.

The text would have the Assembly call on Israel not to exploit, to cause loss or depletion of or to endanger the natural resources in the occupied Palestinian territory, including Jerusalem, and in the occupied Syrian Golan. It would also 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 would express the hope that this issue will be dealt with in the framework of the final status negotiations between the Palestinian and Israeli sides.

The Assembly later adopted the draft resolution by a vote of 148 in favour to 4 against (Federated States of Micronesia, Israel, Marshall Islands, USA), with 4 abstentions (Cameroon, Fiji, Nicaragua and Papua New Guinea).

### Implementation of the Habitat Agenda

The report of the Committee on 'implementation of the Habitat Agenda and outcome of the special session of the General Assembly on this topic' (A/56/565) contained two draft resolutions, both of which the Committee approved on 12 December without a vote.

The former is on the *special session of the General Assembly for an overall review and appraisal of the implementation of the UN Conference on Human Settlements (Habitat II)*. The latter is on *strengthening the mandate and status of the Commission on Human Settlements and Habitat*.

The Assembly later adopted both draft resolutions by consensus.

### First UN Decade for Eradication of Poverty (1997-2006)

The report of the Committee (A/56/566) contained one draft resolution on *implementation of the first UN Decade for the Eradication of Poverty (1997-2006), including the establishment of the World Solidarity Fund for Poverty Eradication*. The text called, among other things, for the full, speedy and effective implementation of the enhanced Heavily Indebted Poor Countries (HIPC) Initiative. Further, it called on the heavily indebted poor countries to take, as soon as possible, the policy measures necessary to become eligible for the Initiative.

Among other things, the Assembly would welcome the proposal to establish a world solidarity fund for poverty eradication and the promotion of human and social development in developing countries, particularly among the poorest segments of their population. The Assembly later adopted the resolution by consensus.

### Globalisation and Interdependence

The relevant report (A/56/568) contained one resolution on *the role of the United Nations in promoting devel-*

*opment in the context of globalisation and interdependence*, which the Assembly later adopted by consensus. The text requests the Secretary-General to report to it at its next session on globalisation and interdependence, bearing in mind, *inter alia*, the outcome of the International Conference on Financing for Development.

### Report of the Economic and Social Council

The Committee's 'report of the Economic and Social Council' (A/56/571) contained three draft resolutions and three draft decisions.

On 4 December 2001, the Committee had before it a draft resolution sponsored by Japan on *integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits in the economic and social fields* (L.27). The text would have the General Assembly decide how best to address reviews of the implementation of the outcomes of major UN conferences and summits in the economic and social field, including their format and periodicity. It would request the Secretary-General to make available to it the report requested by the Economic and Social Council (ECOSOC) for its substantive session of 2002 on the implementation of Council resolution 2001/21.

This resolution was adopted by consensus.

By the terms of the second draft resolution, on a *Global Code of Ethics for Tourism*, the Assembly would take note with interest of the Code, adopted at the thirteenth session of the General Assembly of the World Tourism Organisation. This outlines principles to guide tourism development and to serve as a frame of reference for the different stakeholders in the tourist sector, with the objective of minimising the negative impact of tourism on the environment and on cultural heritage, while maximising the benefits of tourism in promoting sustainable development and poverty alleviation, as well as understanding between nations.

Also, the Assembly would invite governments and other stakeholders in the tourism sector to consider introducing the Code in relevant laws, regulations and professional practices, and in this regard recognise with appreciation the efforts made and measures already undertaken by some States.

The resolution was adopted without a vote.

Draft resolution III, on *public administration and development*, would have the Assembly welcome the establishment of the United Nations Public Administration Online Network as a powerful tool made available to Member States for the exchange of information and experience in public administration. It would also recommend that the Network be expanded to strengthen the capacity of national ministries and institutions of public administration to access information, experience and practice in public administration, and to receive online training.

Draft decision I concerned the *Office of the President of the Economic and Social Council*. It would have the Assembly decide that the Office should be provided with the means to carry out its important functions, taking into account the different arrangements made for the principal

organs of the UN listed in Article 7, paragraph 1, of the Charter. A decision was postponed to allow time for the review of its programme budget implications by the Fifth Committee.

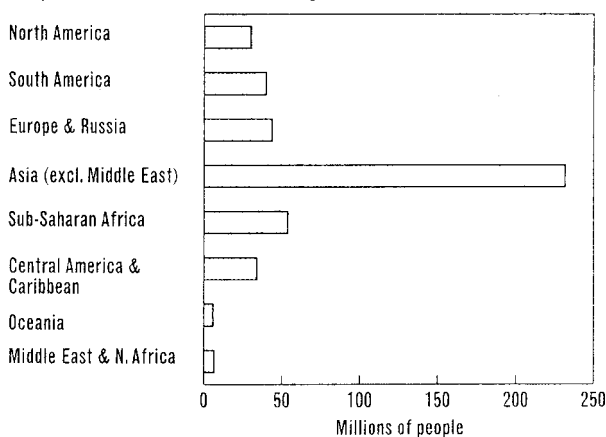
Draft decision II was on *documents relating to the report of the Economic and Social Council*. This requested the Assembly to take note of the reports relevant to the Council's report, and was later adopted by consensus.

Draft decision III asked the Assembly to approve the *draft biennial programme of work for the Second Committee for 2002-2003*, and was later adopted by consensus.

### Third Committee (Social, Humanitarian, Cultural)

Throughout the eight-week session, delegations repeatedly stressed the need for global actors to address the root causes that sparked or exacerbated numerous social ills – including widespread poverty and underdevelop-

Population of Forest Ecosystems



Courtesy: World Resources 2000–2001

ment, racism and intolerance, gender inequality and lack of access to basic education – that threatened social progress and human security.

The Committee approved 72 resolutions, among them texts on specific countries, as well as on the right to development, globalisation and its impact on the full enjoyment of all human rights, advancement of women and the rights of disabled people.

### Fourth Committee (Special Political and Decolonisation)

The work of the Committee was dominated by discussions of Middle East-related issues. Following a heated general debate on Israeli practices affecting the human rights of the Palestinian people and other Arabs in the occupied territories, the Committee approved five related draft resolutions.

The drafts on Israeli practices were among a total of 24 draft resolutions and 3 draft decisions approved by the

Fourth Committee. In addition to Israeli practices, the Committee also considered questions of Palestinian refugee relief; peacekeeping; Decolonisation; information; effects of atomic radiation and the peaceful uses of outer space.

### Fifth Committee (Administrative and Budgetary)

The Committee's major achievement this year was its adoption of the Organisation's \$2.63 billion budget for the biennium beginning on 1 January 2002. Out of this amount, the UN will finance most of its core activities, apart from peacekeeping missions, for the next two years.

For the first time, the budget was presented on the basis of a results-oriented format, which had been approved by the General Assembly in 2000. Work on the budget took place in the context of an improved financial situation for the Organisation.

Many speakers welcomed the Organisation's brighter prospects after years of crisis, due to the payments from Member States, and in particular the major contributor, the USA.

### Sixth Committee (Legal)

Under its Chairman, Pierre Lelong (Haiti), the Sixth Committee approved 21 decisions and resolutions for submission to the Assembly, including one on establishing an *ad hoc* committee, to meet in February 2002, to study the elaboration of an international convention against the reproductive cloning of humans.

Formal negotiations on the instrument, proposed by France and Germany, would begin once agreement had been reached on a negotiating mandate.

The 11 September attacks added urgency to the debate on combating international terrorism, and substantial progress was made on a comprehensive convention. The Assembly's *ad hoc* committee on the issue would continue discussions in January 2002.

The Committee also took note of the International Law Commission's (ILC) accomplishment, after years of work, on elaborating 59 articles on State responsibility for internationally wrongful acts.

Introducing the Commission's report on its 2001 session, ILC Chairman Peter Kabatsi said the Commission intended that the draft articles should have general application to the entire field of international law. The articles developed a clear system for regulating the obligations of States in their interactions with other States and, as such, represented an important step towards a global society where respect for the rule of law was paramount. He also noted that the Commission this year had completed the draft articles on prevention of transboundary harm from hazardous activities – a portion of the international liability topic.

Pierre Lelong said the year had been an exceptionally productive and creative one for the Commission. The draft articles on State responsibility would constitute a milestone in the Commission's work and also in modern international law. Noting that the completion of work on the

draft articles was an historic event, he said the topic had been on the Commission's agenda for almost 50 years and was at the forefront of theoretical discussions and commentaries on the part of academics and practitioners of international law.

He recalled that consideration of the Commission's report had always been an important part of the work of the Sixth Committee, and had always raised a number of interesting and challenging legal and policy issues. The exchange of views and the recently even closer cooperation between the Committee and the Commission had given rise to a dialogue of high intellectual calibre and of great interest. He was certain that this year's debate would be stimulating and fruitful following the well-established tradition.

The US representative stated that any attempt to adopt a binding instrument on State responsibility would not be advisable, and urged more time for careful study of the draft articles on the topic adopted by the ILC. The US representative said the revised draft articles and the commentaries represented a significant contribution, but governments would want more time to study them more carefully because of their importance and volume. The General Assembly, at its current session, should therefore thank the Commission for completing its work on the matter, note the receipt of the draft articles and commentaries, and ask for their study by governments.

The representative of Portugal said that the draft articles codified matters of extreme practical importance, such as the attribution of wrongful conduct to a State at a time when the acts of non-State entities had significant impact at the international level, and the question of reparation for injury. The real problem with regard to State responsibility was, and would be, he added, that there was no special international body competent to determine that a violation of international law had occurred.

In another action, by one of two resolutions on the work of the Special Committee on the Charter, the Committee urged the Security Council to establish a mechanism for consulting with third States affected by sanctions.

In a further action, the Sixth Committee approved without a vote a draft resolution by which the *Ad Hoc* Committee on Jurisdictional Immunities of States and Their Property would meet from 4-15 February 2002 at the instance of the General Assembly. Further, by the draft, the Assembly would ask the *Ad Hoc* Committee to report during the Assembly's 57th session, deciding to include on its agenda the item entitled 'Convention on jurisdictional immunities of States and Their Property.'

With ratification of the Rome Statute of the International Criminal Court gathering momentum, two sessions were scheduled – from 8-19 April and 1-12 July 2002 – for the Preparatory Commission for the Court to complete the practical arrangements for the Court's operation. The Court would come into being when 60 States ratify its Statute and, as of November 2001, 47 had done so.

It was recommended that the Secretary-General un-

dertake preparations for the convening of the first meeting of States Parties to be held at Headquarters once the Statute enters into force.

The UN Commission on International Trade Law (UNCITRAL), which reports to the Sixth Committee, achieved a milestone with its completion and adoption of two instruments: a *draft Convention on the Assignment of Receivables in International Trade*, and the UN Commission on International Law's *Model Law on Electronic Signatures*.

### Closing Plenary

In his closing statement, Assembly President Han Seung-soo of the Republic of Korea said that the terrorist attacks of 11 September 2001 on the host country had created unexpected constraints, but that these had not deterred the Assembly from pursuing common goals of global peace and progress.

He recalled the five-day plenary debate on terrorism and the two-day meeting on the *Dialogue Among Civilisations*, which was the culmination of the Year, the promotion of inter-cultural exchange carrying particular significance in light of events.

Combating terrorism had been considered as the highest priority, he continued, citing the Assembly's swift adoption of a strong resolution following the events of 11 September and progress on strengthening of the legal framework against international terrorism in the Sixth Committee.

The 11 September attacks had also impacted on issues of disarmament and international security. It had spurred delegates to make the world safer with measures to control nuclear proliferation and prevent nuclear weapons from falling into the hands of terrorists.

The President noted that major advances had also been made in implementing the historic Millennium Declaration because of the Secretary-General's 'road map' report. With regard to the economic and social fronts, he said the Assembly had focused on the fight against terrorism and on addressing the world economy's move towards global recession. Noting that sustainable development would be addressed comprehensively at the World Summit on Sustainable Development in Johannesburg in 2002, he encouraged Member States to participate at the highest level.

The Assembly had also focused on strengthening humanitarian coordination to evolve in the changing humanitarian environment. An increase in the number of natural disasters called for enhancement of national and regional capacities for disaster preparedness and response.

In general, the President noted the Assembly's growing recognition of the critical contribution made by non-governmental organisations and civil society in finding solutions to challenges in the economic, social and related fields.

Noting with gratification the award of the Nobel Peace Prize to the UN and its Secretary-General, he said this both recognised its achievements and was a summons to move forward with renewed energy and dedication. (MJ)

