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**PROTECTION OF GLOBAL CLIMATE FOR PRESENT AND FUTURE GENERATIONS
OF MANKIND**

Report of the Second Committee

Rapporteur: Mr. Ryszard RYSINSKI (Poland)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 21 September 1990, the General Assembly, on the recommendation of the General Committee, decided to include in its agenda the item entitled "Protection of global climate for present and future generations of mankind" and to allocate it to the Second Committee.

2. The Second Committee considered the item at its 39th to 43rd, 51st and 54th meetings, on 12 to 14 November and 5 and 11 December 1990. An account of the Committee's general discussion of the item is contained in the relevant summary records (see A/C.2/45/SR.39-43). Attention is also drawn to the general debate held by the Committee at its 2nd to 9th meetings, from 8 to 11 October (A/C.2/45/SR.2-9).

3. For its consideration of the item, the Committee had before it the following documents:

A/45/177 Letter dated 20 March 1990 from the Permanent Representative of the Union of Soviet Socialist Republics to the United Nations addressed to the Secretary-General, transmitting the text of a letter dated 18 March 1990 from the Minister for Foreign Affairs of the USSR addressed to the Secretary-General

- A/45/303 Letter dated 5 June 1990 from the Chargé d'affaires a.i. of the Permanent Mission of Malaysia to the United Nations addressed to the Secretary-General, transmitting the text of a joint communiqué adopted by the First Meeting of the Summit Level Group for South-South Consultations and Co-operation, Group of 15, held at Kuala Lumpur from 1 to 3 June 1990
- A/45/361 Letter dated 27 June 1990 from the Permanent Representative of Malaysia to the United Nations addressed to the Secretary-General, transmitting the text of the Kuala Lumpur Accord on Environment and Development issued at Kuala Lumpur on 19 June 1990 by the ASEAN Ministers for Environment at the Fourth ASEAN Meeting of Ministers for the Environment
- A/45/598-
S/21854 Letter dated 3 October 1990 from the Minister for Foreign Affairs of the Union of Soviet Socialist Republics and the Secretary of State of the United States of America addressed to the Secretary-General, transmitting the joint statement by the USSR and the United States of America entitled "Responsibility for Peace and Security in the Changing World"
- A/45/666 Note verbale dated 23 October 1990 from the Permanent Representative of Italy to the United Nations addressed to the Secretary-General, transmitting documents concerning the Siena Forum on International Law of the Environment and its conclusions
- A/45/696
and Add.1 Report of the Secretary-General on the progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind
- A/45/803 Letter dated 14 November 1990 from the Permanent Representative of Trinidad and Tobago to the United Nations addressed to the Secretary-General, transmitting a communiqué issued by the meeting of the Commonwealth Finance Ministers, held at Port-of-Spain, on 19 and 20 September 1990
- A/C.2/45/12 Letter dated 14 November 1990 from the Permanent Representative of Trinidad and Tobago to the United Nations addressed to the Secretary-General, transmitting documents entitled "A Call to Action: Communiqué from the Seventh Ministerial Meeting on the Environment in Latin America and the Caribbean" and "The Port-of-Spain Accord on the Management and Conservation of the Caribbean Environment"

4. At the 39th meeting, on 12 November, introductory statements were made by the Under-Secretary-General and Executive Director of the United Nations Environment Programme, the Secretary-General of the United Nations Conference on Environment and Development, the Secretary-General of the World Meteorological Organization and the Under-Secretary-General for Ocean Affairs and the Law of the Sea (see A/C.2/45/SR.39).

II. CONSIDERATION OF DRAFT RESOLUTIONS A/C.2/45/L.66 AND L.93

5. At the 51st meeting, on 5 December, the representative of Malta introduced a draft resolution (A/C.2/45/L.66) entitled "Protection of global climate for present and future generations of mankind", on behalf of Bangladesh, Canada, Cape Verde, Cameroon, Chile, Czechoslovakia, Fiji, Finland, Iceland, Japan, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Morocco, Nepal, Norway, Papua New Guinea, Romania, Saint Lucia, Samoa, Sweden, Thailand, Togo, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay and Vanuatu, subsequently joined by Argentina, Australia, Austria, Belgium, Benin, Brazil, Colombia, Denmark, France, Germany, Greece, Ireland, Italy, Jordan, Luxembourg, Mexico, the Netherlands, New Zealand, Nigeria, the Philippines, Portugal, Saint Kitts and Nevis, Spain, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland and Yugoslavia. The draft resolution read as follows:

"The General Assembly,

"Recalling its resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989, in which it recognized that climate change is a common concern of mankind, and urging Governments, intergovernmental and non-governmental organizations and scientific institutions to join in a concerted effort with the aim of preparing, as a matter of urgency, a framework convention on climate, and other related instruments, containing appropriate commitments for actions to combat climate change and its adverse effects, taking into account the most up-to-date sound scientific knowledge and any existing uncertainties, and taking into consideration the specific needs of developing countries,

"Recalling also its resolution 44/206 of 22 December 1989 on the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas,

"Recalling further its resolution 44/228 of 22 December 1989 concerning the convening of the United Nations Conference on Environment and Development,

"Noting the relevant resolutions and decisions of the Governing Council of the United Nations Environment Programme and of the Executive Council of the World Meteorological Organization,

"Noting the recommendations and decisions of the Preparatory Committee for the United Nations Conference on Environment and Development, adopted at its first session, 1/

"Expressing its appreciation of the valuable work accomplished by the Intergovernmental Panel on Climate Change, which has completed its first assessment report,

"Noting the relevant conclusions and recommendations on climate change adopted at various intergovernmental meetings during 1990,

"Welcoming the fact that several countries, both individually and collectively, have already taken measures or made specific commitments to address the problem of climate change and its effects through the stabilization and/or reduction of environmentally harmful emissions of greenhouse gases and that other countries are contemplating doing so,

"Noting the Ministerial Declaration and conclusions adopted at the Second World Climate Conference, held at Geneva, Switzerland, from 29 October to 7 November 1990, 2/

"Noting that, pursuant to paragraph 10 of General Assembly resolution 44/207, resolution 4 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization and decision SS.II/3 of 3 August 1990, adopted by the Governing Council of the United Nations Environment Programme at its second special session, an Ad Hoc Working Group of Government Representatives to prepare for negotiations on a framework convention on climate change met at Geneva from 24 to 26 September 1990 and adopted a number of recommendations, 3/

"Recognizing the continuing need for scientific research into the sources and effects of climate change, including the socio-economic consequences, and the effectiveness of possible response strategies, and recognizing also the importance of the active participation of developing countries in climate-related research,

"1. Decides to establish a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon, taking into account the work of the Intergovernmental Panel on

"1/ See A/45/46.

"2/ See A/45/696/Add.1.

"3/ A/45/696, annex.

Climate Change, the results achieved at international meetings on the subject, including the Second World Climate Conference, as well as proposals that may be submitted by States participating in the negotiating process;

"2. Decides that the negotiating process should be open to all States Members of the United Nations or members of the specialized agencies or the International Atomic Energy Agency, with the participation of observers in accordance with the practice established by the General Assembly;

"3. Encourages the organization of broad-based preparatory processes at the national level involving the scientific community, industry, trade unions, appropriate non-governmental organizations and other interested groups;

"4. Decides that the first negotiating session should be held at Washington, D.C., in February 1991 and that, subject to review of the timetable at the end of each negotiating session and taking into account the schedule of other intergovernmental meetings on environment and development matters, further meetings should generally be held at Geneva in May/June 1991, August/September 1991 and November/December 1991 and, as appropriate, between January and June 1992, on the understanding that at least one of the meetings in 1991 would be held at Nairobi;

"5. Further decides that the maximum duration of each of the negotiating sessions should be two weeks;

"6. Considers that the negotiations for the preparation of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon, should be completed in time for signature at the United Nations Conference on Environment and Development in June 1992 and should be signed during the Conference;

"7. Reaffirms the principles embodied in its resolutions 44/207 and 44/228, as well as those reflected in the Ministerial Declaration and the conclusions adopted at the Second World Climate Conference, which take into account the concerns of all States and the specific needs of developing countries, as the framework for the negotiations;

"8. Decides to establish a special voluntary fund to ensure that developing countries, including small island States, in particular the least developed among them, are able to participate fully and effectively in the negotiating process, and invites Governments and regional economic integration organizations to contribute to the fund;

"9. Decides that at the first session of the negotiating process, to be held at Washington, a Bureau consisting of a Chairman, three Vice-Chairmen and a Rapporteur shall be elected, with due regard to equitable geographical representation and the need to reflect a balance of interests and specific concerns;

"10. Requests the Secretary-General of the United Nations, in consultation with the Executive Director of the United Nations Environment Programme and the Secretary-General of the World Meteorological Organization, as well as with the executive heads of other United Nations bodies with expertise in the field of development, to establish at Geneva an ad hoc secretariat of appropriate size and quality, consisting mainly of Professional staff of the United Nations Environment Programme and the World Meteorological Organization, co-ordinated by those two organizations and supplemented by staff from other bodies of the United Nations system, as appropriate, in order to ensure that the ad hoc secretariat embodies the requisite expertise in the fields of environment, energy, agriculture and forestry, climate and development;

"11. Decides that the Secretary-General of the United Nations shall appoint as head of the ad hoc secretariat a senior official of an appropriate level, who shall act under the guidance of the negotiating body;

"12. Requests the head of the ad hoc secretariat to co-operate closely with the Intergovernmental Panel on Climate Change to ensure that the panel can respond to the needs and requests for objective scientific and technical advice made during the negotiating process;

"13. Also requests the head of the ad hoc secretariat to make available at the first session of the negotiating process the first assessment report of the Intergovernmental Panel on Climate Change, including information on its legal and institutional mechanisms, as well as background documentation, as a basis for the negotiations, together with the Ministerial Declaration of the Second World Climate Conference and other relevant documents;

"14. Requests the Chairman of the negotiating process, taking into account the relevance of the negotiations to the United Nations Conference on Environment and Development, to keep the Preparatory Committee for the Conference and the Secretary-General of the Conference, as well as the Secretary-General of the United Nations, regularly informed of the progress of the negotiations;

"15. Requests the negotiating process to take into account, as appropriate, any relevant developments in the preparations for the United Nations Conference on Environment and Development which the Preparatory Committee may bring to its attention;

"16. Requests the ad hoc secretariat of the negotiating process to submit a report to the United Nations Conference on Environment and Development in 1992 on the outcome of the negotiations, as well as on possible future steps in the field of climate change;

"17. Requests relevant non-governmental organizations to contribute to the work of the negotiating process, as appropriate;

"18. Decides that the negotiating process should be funded through existing United Nations budgetary resources, through contributions from the World Meteorological Organization and the Environment Fund and through voluntary contributions to a trust fund established specifically for that purpose for the duration of the negotiations and administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations;

"19. Invites Governments, regional economic integration organisations and other interested organisations to contribute generously to the trust fund;

"20. Requests the head of the ad hoc secretariat to prepare draft rules of procedure for consideration by the negotiating process at its first session;

"21. Requests the Secretary-General of the United Nations to submit to the General Assembly at its forty-sixth session a report on the progress of the negotiations;

"22. Decides to include in the agenda of its forty-sixth session, the item entitled 'Protection of global climate for present and future generations of mankind.'"

6. At its 54th meeting, on 11 December, the Committee had before it a statement on the programme budget implications of draft resolution A/C.2/45/L.66, submitted by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly (A/C.2/45/L.88 and Add.1).

7. At the same meeting, the Vice-Chairman of the Committee, Mr. Ahmed Amaziane (Morocco), introduced a draft resolution (A/C.2/45/L.93), which he submitted on the basis of informal consultations held on draft resolution A/C.2/45/L.66 and orally revised as follows:

(a) In operative paragraph 2, the words "of the United Nations system" were deleted after the words "specialized agencies";

(b) In operative paragraph 4, the words "and November/December" were inserted after the word "September";

(c) In operative paragraph 15, the word "including" was inserted before the words "its paper on";

(d) In operative paragraph 16, the word "regularly" was inserted before the words "informed in a timely manner".

8. Before the adoption of the draft resolution, statements were made by the representatives of the United Republic of Tanzania, Norway, Egypt, Kenya, Australia, Austria, the Philippines, Italy (on behalf of the States Members of the United Nations that are members of the European Community) and Malta (see A/C.2/45/L.88 and Add.1).

9. At its 54th meeting, the Committee adopted draft resolution A/C.2/45/L.93, as orally revised, without a vote (see para. 13 below).

10. After the adoption of the draft resolution, the representative of Tunisia made a statement (see A/C.2/45/SR.54).

11. In the light of the adoption of draft resolution A/C.2/45/L.93, draft resolution A/C.2/45/L.66 was withdrawn by its sponsors.

12. Also at its 54th meeting, upon the proposal of the Chairman, Mr. George Papadatos (Greece), the Committee decided to recommend to the General Assembly that it should take note of the report of the Secretary-General on the progress achieved in the implementation of resolution 44/207 of 22 December 1989 on protection of global climate for present and future generations of mankind ^{1/} (see para. 14 below).

III. RECOMMENDATIONS OF THE SECOND COMMITTEE

13. The Second Committee recommends to the General Assembly the adoption of the following draft resolution:

Protection of global climate for present and future generations of mankind

The General Assembly,

Recalling its resolutions 43/53 of 6 December 1988 and 44/207 of 22 December 1989, in which it recognized that climate change is a common concern of mankind, and urging Governments, and as appropriate, intergovernmental and non-governmental organizations and scientific institutions, to collaborate in a concerted effort with the aim of preparing, as a matter of urgency, a framework convention on climate, and other related instruments, containing appropriate commitments for actions to combat climate change and its adverse effects, taking into account the most up-to-date sound scientific knowledge and any existing uncertainties, as well as the particular needs and development priorities of developing countries,

Recalling also its resolution 44/206 of 22 December 1989 on the possible adverse effects of sea-level rise on islands and coastal areas, particularly low-lying coastal areas,

Recalling further its resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development,

^{1/} A/45/696 and Add.1.

Noting the relevant resolutions and decisions of the Governing Council of the United Nations Environment Programme and of the Executive Council of the World Meteorological Organization,

Noting also the recommendations and decisions of the Preparatory Committee for the United Nations Conference on Environment and Development, adopted at its organizational session and at its first session, 2/

Noting further the important work accomplished by the Intergovernmental Panel on Climate Change, which has completed its first assessment report,

Noting the relevant conclusions and recommendations on climate change adopted at various intergovernmental meetings during 1990,

Noting the fact that the largest part of the current emission of pollutants into the environment originates in developed countries, and recognizing therefore that those countries have the main responsibility for combating such pollution,

Welcoming the fact that several countries and a regional economic integration organization have already taken measures or made specific commitments to address the problem of climate change and its effects through the stabilization and/or reduction of environmentally harmful emissions of greenhouse gases and that other countries are contemplating doing so,

Noting that, pursuant to paragraph 10 of General Assembly resolution 44/207, resolution 4 (EC-XLII) of 22 June 1990 of the Executive Council of the World Meteorological Organization and decision SS.II/3 of 3 August 1990, adopted by the Governing Council of the United Nations Environment Programme at its second special session, an Ad Hoc Working Group of Government Representatives to prepare for negotiations on a framework convention on climate change met at Geneva from 24 to 26 September 1990 and adopted a number of recommendations, 3/

Recognizing the continuing need for scientific research into the sources and effects of climate change and its possible adverse impact, including the socio-economic consequences, and the effectiveness of possible response strategies, and recognizing also the importance of the active participation of developing countries and the need to assist and co-operate with them in climate-related research and action,

1. Decides to establish a single intergovernmental negotiating process under the auspices of the General Assembly, supported by the United Nations Environment Programme and the World Meteorological Organization, for the preparation by an

2/ See Official Records of the General Assembly, Forty-fourth Session, Supplement No. 48 (A/44/48) and ibid., Forty-fifth Session, Supplement No. 46 (A/45/46).

3/ A/45/696, annex I.

Intergovernmental Negotiating Committee of an effective framework convention on climate change, containing appropriate commitments, and any related instruments as might be agreed upon, taking into account proposals that may be submitted by States participating in the negotiating process, the work of the Intergovernmental Panel on Climate Change and the results achieved at international meetings on the subject, including the Second World Climate Conference;

2. Decides that the Intergovernmental Negotiating Committee should be open to all States Members of the United Nations or members of the specialized agencies, with the participation of observers in accordance with the established practice of the General Assembly;

3. Welcomes the organization of a broad-based preparatory process at the national level involving, as appropriate, the scientific community, industry, trade unions, non-governmental organizations and other interested groups;

4. Decides that the first negotiating session should be held at Washington, D.C. in February 1991 and that, subject to review of the timetable at the end of each negotiating session and taking into account the schedule of other intergovernmental meetings on environment and development matters, in particular the sessions of the Preparatory Committee for the United Nations Conference on Environment and Development, further meetings should be held at Geneva and at Nairobi, in May/June 1991, September and November/December 1991 and, as appropriate, between January and June 1992;

5. Authorizes the Secretary-General of the United Nations, with the assistance of the Executive Director of the United Nations Environment Programme and the Secretary-General of the World Meteorological Organization, pending the establishment of an ad hoc secretariat for the Intergovernmental Negotiating Committee, to convene, exceptionally, the first session of the Intergovernmental Negotiating Committee, to be held at Washington, D.C., in February 1991; the subsequent sessions of the Committee shall be convened by the ad hoc secretariat;

6. Further decides that the maximum duration of each of the negotiating sessions should be two weeks;

7. Considers that the negotiations for the preparation of an effective framework convention on climate change, containing appropriate commitments, and any related legal instruments as might be agreed upon, should be completed prior to the United Nations Conference on Environment and Development in June 1992 and opened for signature during the Conference;

8. Reaffirms the principles embodied in its resolutions 44/207 and 44/228, which take into account the concerns of all States and the specific needs of developing countries;

9. Takes account of the Ministerial Declaration adopted at the Second World Climate Conference, held at Geneva, from 29 October to 7 November 1990; 4/

10. Decides to establish a special voluntary fund, administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations, to ensure that developing countries, in particular the least developed among them, as well as small island developing countries, are able to participate fully and effectively in the negotiating process, and invites Governments, regional economic integration organizations and other interested organizations to contribute generously to the fund;

11. Recommends that, at the first session of the Intergovernmental Negotiating Committee, to be held in Washington, D.C., a Bureau consisting of a Chairman, three Vice-Chairmen and a Rapporteur shall be elected, each of the five regional groups being represented by one member;

12. Requests the Secretary-General of the United Nations, in consultation with the Executive Director of the United Nations Environment Programme and the Secretary-General of the World Meteorological Organization, as well as with the executive heads of other United Nations bodies with expertise in the field of development, to establish as soon as possible at Geneva an ad hoc secretariat of appropriate size and quality, consisting mainly of Professional staff of the United Nations Environment Programme and the World Meteorological Organization, taking into account the need to ensure that the work programmes of these two organizations are not negatively affected, co-ordinated by those two organizations in consultation and co-operation with the head of the ad hoc secretariat and supplemented by staff from other bodies of the United Nations system, as appropriate, in order to ensure that the ad hoc secretariat embodies the requisite technical expertise;

13. Decides that the Secretary-General of the United Nations shall appoint as head of the ad hoc secretariat a senior official of an appropriate level, who shall act under the guidance of the Intergovernmental Negotiating Committee;

14. Requests the head of the ad hoc secretariat to co-operate closely with the Intergovernmental Panel on Climate Change to ensure that the panel can respond to the needs and requests for objective scientific and technical advice made during the negotiating process;

15. Also requests the head of the ad hoc secretariat to make available, at the first session of the Intergovernmental Negotiating Committee, including the first assessment report of the Intergovernmental Panel on Climate Change, its paper on legal measures as well as the background documentation prepared for the Panel as inputs for the negotiations, together with the Ministerial Declaration of the Second World Climate Conference 4/ and other relevant documents;

16. Requests the Intergovernmental Negotiating Committee, through the ad hoc secretariat and taking into account the relevance of the negotiations to the United Nations Conference on Environment and Development, to keep the Preparatory Committee and the Secretary-General of the Conference, as well as the Secretary-General of the United Nations, regularly informed in a timely manner through regular progress reports, of the progress of the negotiations;

17. Requests the Intergovernmental Negotiating Committee to take into account, as appropriate, any relevant developments in the preparations for the United Nations Conference on Environment and Development that the Preparatory Committee may bring to its attention;

18. Requests the Chairman of the Intergovernmental Negotiating Committee, on behalf of the Committee, to submit a report to the United Nations Conference on Environment and Development in 1992 on the outcome of the negotiations, as well as on possible future steps in the field of climate change;

19. Invites relevant non-governmental organizations to make contributions to the negotiating process, as appropriate, on the understanding that these organizations shall not have any negotiating role during the process, and taking into account decision 1/1 concerning the participation of non-governmental organizations adopted by the Preparatory Committee for the United Nations Conference on Environment and Development at its first session; 5/

20. Decides that the negotiating process should be funded through existing United Nations budgetary resources, without negatively affecting its programmed activities and through voluntary contributions to a trust fund established specifically for that purpose for the duration of the negotiations and administered by the head of the ad hoc secretariat under the authority of the Secretary-General of the United Nations;

21. Invites the World Meteorological Organization and the United Nations Environment Programme and other relevant bodies of the United Nations system, including those in the field of development, to make appropriate contributions to the negotiating process, including its funding;

22. Invites Governments, regional economic integration organizations and other interested organizations to contribute generously to the trust fund;

23. Requests the head of the ad hoc secretariat to prepare draft rules of procedure for consideration by the Intergovernmental Negotiating Committee at its first session;

24. Requests the Secretary-General of the United Nations to submit to the General Assembly at its forty-sixth session a report on the progress of the negotiations;

25. Decides to include in the provisional agenda of its forty-sixth session, the item entitled "Protection of global climate for present and future generations of mankind".

* * *

14. The Second Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Secretary-General on the progress achieved in the
implementation of resolution 44/207 on protection of global
climate for present and future generations of mankind

The General Assembly decides to take note of the report of the Secretary-General on the progress achieved in the implementation of resolution 44/207 on protection of global climate for present and future generations of mankind. 6/
