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UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT

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 "United Nations Conference on Environment and Development" and to allocate it to the Second Committee (see A/C.2/45/1).

2. The Committee considered the item at its 39th to 43rd, 49th and 54th meetings, from 12 to 14 and 28 November and on 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/45/46 Report of the Preparatory Committee for the United Nations Conference on Environment and Development, 1992, on its first session 1/

1/ To be issued as Official Records of the General Assembly, Forty-fifth Session, Supplement No. 46 (A/45/46).

- 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/45/313 Letter dated 12 June 1990 from the Permanent Representative of Guyana to the United Nations addressed to the Secretary-General, transmitting the text of a joint press release issued by Guyana and the Commonwealth Secretariat on the occasion of World Environment Day
- A/45/336-S/21385 Letter dated 29 June 1990 from the Chargé d'affaires of the Permanent Mission of Ireland to the United Nations addressed to the Secretary-General, transmitting the conclusions adopted by the Heads of State or Government of the Twelve States members of the European Community at the meeting of the European Council, held at Dublin on 25 and 26 June 1990
- A/45/345 Letter dated 12 July 1990 from the Permanent Representative of Guyana to the United Nations addressed to the Secretary-General, transmitting the report on the Programme of Sustainable Tropical Forestry undertaken by the Government of Guyana and the Commonwealth Secretariat
- 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/45/584 Letter dated 4 October 1990 from the Permanent Representative of Bolivia to the United Nations addressed to the Secretary-General, transmitting the declaration of the Ministers for Foreign Affairs of the Group of 77

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 Union of Soviet Socialist Republics and the United States of America: 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 a document containing the documents of the Siena Forum on International Law of the Environment

A/45/675 Letter dated 26 October 1990 from the Permanent Representative of Venezuela to the United Nations addressed to the Secretary-General, transmitting the documents issued by the Presidents of the Rio Group on the occasion of the Presidential Meeting of the Permanent Mechanism for Consultation and Concerted Political Action, held at Caracas on 11 and 12 October 1990

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 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 Organisation and the Under-Secretary-General for Ocean Affairs and the Law of the Sea (see A/C.2/45/SR.39).

II. CONSIDERATION OF PROPOSALS

A. Draft resolutions A/C.2/45/L.59 and A/C.2/45/L.95

5. At the 49th meeting, on 28 November, the representative of Bolivia, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft resolution (A/C.2/45/L.59), entitled "Environment and international trade", and orally revised the operative paragraph thereof by inserting the words "for the third session of the Preparatory Committee of the United Nations Conference on Environment and Development" before the words "to prepare". The text, as orally revised, read as follows:

"The General Assembly,

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

"Taking note of decision 384 (XXXVII) of 12 October 1990 of the Trade and Development Board, entitled "UNCTAD's contribution, within its mandate, to sustainable development", 1/

"Also taking note of decision 1/25 of 31 August 1990 of the Preparatory Committee for the United Nations Conference on Environment and Development, entitled "Environment and development", 2/

"Reaffirming the terms of the statement on sustainable development adopted by the Governing Council of the United Nations Environment Programme at its fifteenth session, 3/

"Requests the Secretary-General of the United Nations Conference on Trade and Development to prepare for the third session of the Preparatory Committee of the United Nations Conference on Environment and Development a comprehensive analytical study on the present situation and future trends regarding the relation between environmental issues and international trade, reflecting, inter alia, the perspective that environmental concerns should not be used to introduce new forms of conditionality and should not serve as a pretext for creating unjustified barriers to trade; the report should cover trade and the transfer of environmentally sound technologies, as well as the appearance of non-tariff trade barriers resulting from environmental concerns and the impact of such barriers on the economic development of developing countries."

"1/ See A/45/15, chap. III, sect. B.2.

"2/ See A/45/46, annex I.

"3/ See Official Records of the General Assembly, Forty-fourth Session, Supplement No. 25 (A/44/25), annex, decision 15/B, annex II.

6. At the 54th meeting, on 11 December, the Vice-Chairman of the Committee, Mr. Ahmed Amaziane (Morocco), introduced a draft resolution (A/C.2/45/L.95) submitted by him on the basis of informal consultations held on draft resolution A/C.2/45/L.59, and orally corrected it as follows:

(a) In operative paragraph 1, the word "acknowledged" was replaced by the word "stated";

(b) In operative paragraph 2, the words "for submission to the Preparatory Committee at its third session, the report on transfer of technology, including, inter alia, the obstacles on both the importing and exporting sides, that impede the transfer of environmentally sound technologies, requested by the Preparatory Committee in decision 1/8" were replaced by "the report on transfer of technology requested in decision 1/8 of the First Substantive Session of the Preparatory Committee of the United Nations Conference on Environment and Development for submission to the third session of the Preparatory Committee, including the obstacles on both the importing and exporting sides that impede the transfer of environmentally sound technologies".

7. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.95, as orally revised, without a vote (see para. 13, draft resolution I).

8. In the light of the adoption of draft resolution A/C.2/45/L.95, draft resolution A/C.2/45/L.59 was withdrawn by the sponsors.

B. Draft resolutions A/C.2/45/L.60 and A/C.2/45/L.82

9. At the 49th meeting, on 28 November, the representative of Bolivia, on behalf of the States Members of the United Nations that are members of the Group of 77, introduced a draft resolution (A/C.2/45/L.60), entitled "United Nations Conference on Environment and Development", which read as follows:

"The General Assembly,

"Recalling the report of the Preparatory Committee for the United Nations Conference on Environment and Development on its organizational session, held at United Nations Headquarters from 5 to 16 March 1990, 1/

"Having considered the report of the Preparatory Committee on its first session, held at Nairobi from 6 to 31 August 1990, 2/

"1. Reaffirms its resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development;

"1/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 48 (A/44/48).

"2/ A/45/46.

"2. Stresses the fundamental interrelationship between environment and development and reiterates the need for a balance to be kept between the development and the environment dimensions during the entire preparatory process and during the Conference, and the need for cross-sectoral issues to be fully integrated into that work;

"3. Reaffirms its decisions relating to the report of the Preparatory Committee on its organizational session;

"4. Takes note of the report of the Preparatory Committee on its first session and endorses the decisions contained therein; 3/

"5. Decides that the United Nations Conference on Environment and Development shall take place at Rio de Janeiro, Brazil, from 1 to 12 June 1992;

"6. Urges that representation at the Conference be at the level of head of State or Government, on the understanding that invitations will be issued in accordance with established United Nations practice;

"7. Expresses its appreciation to the Governments that have contributed to the Voluntary Fund for the United Nations Conference on Environment and Development and invites Governments to contribute urgently and generously to the Fund so that the developing countries, in particular the least developed among them, may be assisted in participating fully and effectively in the Conference and in its preparatory process, in accordance with General Assembly resolution 44/228, section II, paragraph 15;

"8. Calls upon the organs, organizations and bodies of the United Nations system to continue to give full support to the preparatory process for the Conference and assist the Secretary-General of the United Nations Conference on Environment and Development in the implementation of the work programme, in conformity with General Assembly resolution 44/228;

"9. Requests the organs, organizations and bodies of the United Nations system to extend full co-operation to developing countries in order to ensure that appropriate preparations for the forthcoming sessions of the Preparatory Committee are made, in particular in all aspects relating to linkages between environment and development, including the identification of concrete measures and action to ensure that these issues are treated in a balanced and integrated way;

"10. Endorses Preparatory Committee decision 1/7 of 29 August 1990 concerning the dates of the second and third sessions of the Preparatory Committee;

"3/ Ibid., annex I.

"11. Requests the Secretary-General of the Conference to ensure the timely submission to the Preparatory Committee at its second and third sessions of the reports requested at its first session;

"12. Takes note of the provisions of Preparatory Committee decision 1/1 of 14 August 1990 ^{3/} and authorizes the Preparatory Committee, without prejudice to the provisions of Assembly resolution 44/228, to continue to apply, for the purpose of the preparatory process, the provisional arrangements agreed upon in that decision concerning the participation of non-governmental organizations in the preparatory process;

"13. Reiterates that the Preparatory Committee shall review and assess ongoing negotiating processes in the field of the environment and that the forums involved in such processes shall report regularly on their activities to the Preparatory Committee at its forthcoming session, in accordance with the guidelines and requirements established by the Preparatory Committee."

10. At the 54th meeting, on 11 December, the Vice-Chairman of the Committee, Mr. Ahmed Amaziane (Morocco), introduced a draft resolution (A/C.2/45/L.82) submitted by him on the basis of informal consultations held on draft resolution A/C.2/45/L.60, and orally corrected operative paragraph 7 thereof by replacing the words "Requests the Secretary-General of the United Nations to invite all States" by the words "Invites the Secretary-General of the United Nations to issue invitations to all States".

11. At the same meeting, the Committee adopted draft resolution A/C.2/45/L.82, as orally revised, without a vote (see para. 13, draft resolution II).

12. In the light of draft resolution A/C.2/45/L.82, draft resolution A/C.2/45/L.60 was withdrawn by the sponsors.

III. RECOMMENDATIONS OF THE SECOND COMMITTEE

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

DRAFT RESOLUTION I

Environment and international trade

The General Assembly,

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

Affirming decision 384 (XXXVII) of 12 October 1990 of the Trade and Development Board, entitled "UNCTAD's contribution, within its mandate, to sustainable development", 2/

Also affirming decision 1/25 of 31 August 1990 of the Preparatory Committee for the United Nations Conference on Environment and Development, entitled "Environment and development", 3/

Reaffirming the statement on sustainable development adopted by the Governing Council of the United Nations Environment Programme at its fifteenth session, 4/

1. Requests the Secretary-General of the United Nations Conference on Trade and Development, in close co-operation with the Secretary-General of the United Nations Conference on Environment and Development and relevant United Nations bodies, taking into account the relevant parts of Trade and Development Board decision 384 (XXXVII) and the work done by international organizations and in other relevant forums and in conformity with General Assembly resolution 44/228, in which it was stated that environmental concerns and considerations are crucial to achieving sustainable development for all countries but should not serve as a pretext for creating unjustified barriers to trade, to prepare a comprehensive analytical study, to be submitted to the Preparatory Committee for the United Nations Conference on Environment and Development at its third session, on the present situation and future trends regarding the relation between environmental issues and international trade and covering, inter alia, the following subjects:

(a) The consideration of trade and environment, in the light of the analysis requested of the Secretary-General of the United Nations Conference on Trade and Development in paragraph 5 of Trade and Development Board decision 384 (XXXVII) concerning the issue of sustainable development, in particular the reduction of poverty and its interface with policies and mechanisms in environmentally sensitive sectors, such as agriculture, energy, industry and transport, as well as with relevant structural policies, such as those related to the enterprise sector;

(b) Adjustment of the Trade Control Measures Information System of the United Nations Conference on Trade and Development to monitor environmental regulations for possible protectionism and to monitor non-tariff measures which have a bearing on the environment, in accordance with paragraph 6 of Trade and Development Board decision 384 (XXXVII);

2. Requests the Secretary-General of the United Nations Conference on Environment and Development to consult the Secretary-General of the United Nations Conference on Trade and Development and other relevant United Nations organs,

2/ See A/45/15, chap. III, sect. B.2.

3/ See A/45/46, annex I.

4/ See Official Records of the General Assembly, Forty-fourth Session, Supplement No. 25 (A/44/25), annex, decision 15/B, annex II.

organizations and programmes in preparing the report on transfer of technology requested in decision 1/8 of the First Substantive Session of the Preparatory Committee of the United Nations Conference on Environment and Development for submission to the third session of the Preparatory Committee, including the obstacles on both the importing and exporting sides that impede the transfer of environmentally sound technologies.

DRAFT RESOLUTION II

United Nations Conference on Environment and Development

The General Assembly,

Recalling the report of the Preparatory Committee for the United Nations Conference on Environment and Development on its organizational session, held at United Nations Headquarters from 5 to 16 March 1990, 5/

Having considered the report of the Preparatory Committee on its first session, held at Nairobi from 6 to 31 August 1990, 6/

1. Reaffirms its resolution 44/228 of 22 December 1989 on the United Nations Conference on Environment and Development;

2. Stresses the fundamental interrelationship between environment and development, and reiterates the need to integrate and keep the balance between the environmental and developmental dimensions during the entire preparatory process and during the Conference, and the need for cross-sectoral issues to be fully integrated into that work;

3. Reaffirms its endorsement of the decisions contained in the report of the Preparatory Committee on its organizational session; 5/

4. Takes note of the report of the Preparatory Committee on its first session and endorses the decisions contained therein; 7/

5. Decides that the United Nations Conference on Environment and Development shall take place at Rio de Janeiro, Brazil, from 1 to 12 June 1992;

6. Urges that representation at the Conference be at the level of head of State or Government;

5/ Official Records of the General Assembly, Forty-fourth Session, Supplement No. 48 (A/44/48).

6/ Ibid., Forty-fifth Session, Supplement No. 46 (A/45/46).

7/ Ibid., annex I.

7. Invites the Secretary-General of the United Nations to issue invitations to all States Members of the United Nations or members of the specialized agencies and observers, in accordance with the established practice of the General Assembly;

8. Expresses its appreciation to the Governments that have contributed to the Voluntary Fund for the United Nations Conference on Environment and Development and invites Governments to contribute urgently and generously to the Fund in order that the operation of the Fund may enable developing countries, in particular the least developed among them, to participate fully and effectively in the Conference and in its preparatory process, in accordance with section II, paragraph 15 of General Assembly resolution 44/228;

9. Calls upon the United Nations Environment Programme and other organs, organizations and bodies of the United Nations system to continue to give full support to the preparatory process for the Conference and assist the Secretary-General of the United Nations Conference on Environment and Development in the implementation of the work programme, in conformity with General Assembly resolution 44/228;

10. Requests the organs, organizations and bodies of the United Nations system to extend full co-operation to developing countries in order to ensure that appropriate preparations for the forthcoming sessions of the Preparatory Committee are made, in particular in all aspects relating to linkages between environment and development, including the identification of concrete measures and action to ensure that these issues are treated in a balanced and integrated way;

11. Endorses Preparatory Committee decision 1/7 of 29 August 1990 concerning the dates of the second and third sessions of the Preparatory Committee;

12. Requests the Secretary-General of the Conference to ensure the timely submission to the Preparatory Committee at its second and third sessions of the reports requested at its first session;

13. Takes note of the provisions of Preparatory Committee decision 1/1 of 14 August 1990 ^{7/} and authorizes the Preparatory Committee, without prejudice to the provisions of Assembly resolution 44/228, to continue to apply, for the purpose of the preparatory process, the provisional arrangements agreed upon in that decision concerning the participation of non-governmental organizations in the preparatory process;

14. Reiterates that the Preparatory Committee shall review and assess ongoing negotiating processes in the field of the environment and invites the forums involved in such processes to report regularly on their activities to the Preparatory Committee at its forthcoming sessions, in accordance with the guidelines and requirements established by the Preparatory Committee.