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DEVELOPMENT AND INTERNATIONAL ECONOMIC CO-OPERATION: ENVIRONMENT

Malaysia**: draft resolution

United Nations Conference on Environment and Development 1992

The General Assembly,

Recalling resolution 43/196 of 20 December 1988, entitled "A United Nations conference on environment and development",

Taking note of decision 15/3 of the Governing Council of the United Nations Environment Programme of 23 May 1989 entitled "United Nations conference on environment and development",

Taking note of resolution 1989/87 of the Economic and Social Council of 26 July 1989 entitled "Convening of a United Nations conference on environment and development",

Taking note of resolution 1989/101 of the Economic and Social Council of 27 July 1989, entitled "Strengthening international co-operation on environment: provision of additional financial resources to developing countries",

Mindful of the views expressed by Governments in the plenary debate held at its forty-fourth session on the convening of a United Nations conference on environment and development,

* Reissued for technical reasons.

** On behalf of the States Members of the United Nations that are members of the Group of 77.

Noting the report of the Secretary-General entitled "Question of the convening of a United Nations conference on environment and development" (A/44/256),

Recognizing the importance for all countries of the protection of the environment,

Emphasizing that the accumulation and deployment of nuclear and other weapons of mass destruction constitute a grave threat to the environment,

Gravely concerned that the main cause of the continuing deterioration of the global environment is the unsustainable pattern of production and consumption prevailing in developed countries,

Stressing that poverty and environmental degradation are closely interrelated and that environmental protection in developing countries must therefore be viewed as an integral part of the development process and cannot be considered in isolation from it,

Recognizing the need for measures taken at the international level to take fully into account the existing asymmetry in the global patterns of production and consumption with a view to consciously redress it,

Affirming that the responsibility for containing, reducing and eliminating global environmental damage must be borne by the States causing such damage, in direct proportion to the damage caused,

Conscious of the crucial role of science and technology in the field of environmental protection and of the need of developing countries to be given unrestricted and non-commercial access to the fruits of research and development in this area,

Stressing the need for environmentally sound technologies, processes, equipment and related research and expertise, to be extended to developing countries through international co-operation designed to further global efforts for environmental protection including through innovative and effective modalities,

Bearing in mind that substantial, new and additional financial resources will have to be channelled to developing countries in order to ensure their effective participation in the global efforts for environmental protection,

I

1. Decides to convene a United Nations conference on environment and development of two weeks' duration and at the highest possible level of participation to coincide with World Environment Day, 5 June 1992;

2. Accepts with deep appreciation the generous offer of the Government of Brazil to host the Conference;

3. Affirms that strengthening of international co-operation for the promotion of economic growth in developing countries is essential to address the problem of environmental degradation in these countries;
4. Further affirms the importance of a supportive international economic environment that would result in sustained economic growth and development in all countries for environmental protection;
5. Reaffirms the sovereignty of all nations over their natural resources and stresses their responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction and the need to play their due role in preserving and protecting global and regional environments in accordance with their capacities and specific responsibilities;
6. Reaffirms also the responsibility of States for the damage caused by them to the environment and natural resources by their transboundary interference;
7. Reiterates its support of the just demands of the developing countries affected by the implantation of mines and the presence of other remnants of war in their territories for compensation and for complete removal of those obstacles by the States that implanted them;
8. Further notes the fact that the largest part of the current emission of pollutants into the environment, including toxic and hazardous wastes, originates in developed countries, and therefore recognizes that those countries have the main responsibility for combating such pollution;
9. Stresses that large industrial enterprises, including transnational corporations, are frequently the repositories of scarce technical skills for the preservation of the environment, and conduct activities in sectors that have an impact on the environment and, to that extent, have specific responsibilities;
10. Reaffirms also that the serious external indebtedness of developing countries has to be addressed efficiently and urgently in order to enable those countries to contribute fully, and in accordance with their capacities and responsibilities, to the global efforts to protect the environment;
11. Affirms that in the light of the above, the following environmental issues, which are not listed in any particular order of priority, are among those of major concern in maintaining the quality of the Earth's environment and especially for achieving an environmentally sound and sustainable development in all countries:
 - (a) Protection of the atmosphere by combating climate change, depletion of the ozone layer and transboundary air pollution;
 - (b) Protection of the quality and supply of freshwater resources;

(c) Protection of the ocean, including semi-closed seas, and of coastal areas and management of the resources therein;

(d) Protection and management of land resources by, inter alia, combating deforestation and desertification and drought;

(e) Conservation of biological diversity;

(f) Environmentally sound management of biotechnology;

(g) Measures against the illegal traffic in toxic and dangerous products and wastes;

(h) Environmentally sound management of wastes, particularly hazardous and dangerous wastes and toxic chemicals;

(i) Eradication of poverty through improving the living and working environment of poor people, which is necessary to stem the degradation of the environment in developing countries;

(j) Improvement of the living and working environment of the poor in urban and rural slums, and the role of urbanization, within the framework of a sound and safe environment;

12. Emphasizes the need for strengthening international co-operation for the management of the environment to ensure its conservation and preservation and for the equitable sharing of results derived from activities related to the conservation and development of its bio-diversity;

13. Reaffirms the need to strengthen international co-operation, particularly between developed and developing countries in research and development and utilization of environmentally sound technologies, inter alia, on the following basis:

(a) The establishment of a special international fund in order to ensure access to and transfer of environmentally sound technologies to developing countries to enable them to respond effectively to their environmental protection needs;

(b) The obligation of patent holders of environmentally sound technologies to ensure their transfer through legal commitments to work their patents fully in other countries;

(c) Utilization of compulsory licensing in case of refusal or inability to work such patents;

14. Affirms that the preamble of resolution 43/196 broadly sets out the general scope for the conference;

15. **Decides** that the Conference in addressing environmental issues in the developmental context should have the following objectives:

(a) Examine the state of the environment and changes that have occurred since the 1972 United Nations Conference on the Human Environment and since the adoption of other international agreements such as the Plan of Action to Combat Desertification, Vienna Convention and Montreal Protocol;

(b) Identify strategies to be co-ordinated regionally and globally, as appropriate, for concerted actions to deal with major environmental issues in the socio-economic development processes of all countries in a particular time-frame;

(c) Recommend measures to be undertaken at national and international levels to protect the environment through, inter alia, preventive action at the sources of environmental degradation, clearly identifying the sources of such degradation and appropriate remedial measures;

(d) Recommend measures to take action to implement the principles of conduct in the field of the environment for the guidance of States in the conservation and harmonious utilization of natural resources shared by two or more States;

(e) Adopt formal agreements on specific commitments by Governments for defined activities to restore the global ecological balance, and prevent further deterioration of the environment, taking into account the main responsibility of developed countries for the present deterioration of the environment;

(f) Accord the highest priority to drought and desertification control and to consider all means necessary including financial, scientific and technological resources, to halt and reverse the process of desertification with a view to preserving the ecological balance of the planet;

(g) Adopt formal agreements on specific commitments by Governments for defined actions to promote a supportive international economic environment that would result in sustained and environmentally sound development and economic growth in all countries, with a view to combating poverty and improving the quality of life;

(h) Identify ways and means to provide new and additional financial resources to developing countries for environmentally sound development programmes and projects in accordance with their national development objectives, priorities and plans and to establish a mechanism for the effective monitoring of the implementation of the provisions of such new and additional financial resources to developing countries so as to enable the international community to take further appropriate action on the basis of accurate and reliable data;

(i) Ensure that the incorporation of environmental concerns into economic planning and policies should not be used to introduce a new form of conditionality in aid and development financing nor as a pretext for creating unjustified barriers to trade;

(j) Launch a special international fund to finance research, development and acquisition of environmentally sound technologies and to ensure its non-commercial transfer and propagation to developing countries;

(k) To adopt effective modalities to ensure access to and transfer of environmentally sound technologies, in particular to the developing countries, on concessional and assured basis, and assist these countries in their efforts in the fields of scientific research and development of their endogenous technological capacities as well as in information related to these technologies;

(l) Promote the development of human resources particularly in developing countries, for the protection and enhancement of the environment;

(m) Promote an open and timely exchange of information on national environmental policies, situations and accidents;

(n) Promote the development or strengthening of appropriate institutions at the national, regional and global levels to address environmental matters in the context of the socio-economic development processes of all countries;

(o) Promote environmental education, especially of the younger generation;

(p) Assess the capacity of the United Nations system to monitor environmental threats and deal with environmental emergencies and make recommendations for improvement;

(q) Specify the respective responsibilities of, and support to be given by the organs, organizations and programmes of the United Nations system for the implementation of the conclusions of the Conference;

(r) Quantify the financial requirements for the successful implementation of Conference decisions and recommendations, and identify possible sources of additional resources;

II

1. Decides to establish, at the United Nations Headquarters in New York a Preparatory Committee of the Whole of the General Assembly open to all States members of the specialized agencies of the United Nations;

2. Decides that the Bureau of the Preparatory Committee will consist of a Chairman, twenty-one Vice-Chairmen and a Rapporteur with due regard to equitable geographical representation;

3. Decides that the host country of the Conference namely Brazil be ex-officio member of the Bureau;

4. Decides that the Preparatory Committee shall hold its sessions at the United Nations Headquarters in New York and the UNEP Headquarters in Nairobi; the first session of the Preparatory Committee shall be held in New York in March 1990

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to elect its Bureau to adopt its rules of procedure and decide on its agenda and the organization of its future work;

5. Decides that the Preparatory Committee shall:

(a) upon UNEP as the main organ for environment and request the organs, organizations and programmes of the United Nations system as well as relevant intergovernmental organizations to make their contributions for the preparations of the conference elaborated on the basis of guidelines and requirements to be established by the Preparatory Committee;

(b) Draft the provisional agenda of the Conference as stated in this resolution;

(c) Draft recommendations for governmental actions, at national and international level, including through international organizations, and drafting of intergovernmental agreements to be adopted by the Conference on environmental issues as listed in paragraph 11 of I of this resolution;

(d) Submit recommendations to the Conference on ways and means of strengthening the capacity of the United Nations and United Nations system to respond fully and effectively to the global environmental and developmental challenges to enable member States to co-operate more effectively;

6. Decides further that for the preparation of the substantive work of the Conference the Preparatory Committee may establish as appropriate a practically feasible number of working groups to consider the major environmental issues listed in paragraph 11, above and related development issues;

7. Requests the Secretary-General of the United Nations to establish in New York an appropriate ad hoc Secretariat, the composition of which shall be based on the principle of equitable geographical distribution;

8. Decides that the ad hoc Secretariat will be headed by a Secretary-General of the Conference to be appointed by the Secretary-General of the United Nations and confirmed by the General Assembly;

9. Invites all states to take an active part in the preparations for the Conference and to include national reports as appropriate and promote broad-based national preparatory processes involving the scientific community, industry, trade unions and other non-governmental organizations to be submitted to the Preparatory Committee in a timely manner;

10. Recommends that the Secretary-General of the Conference put forward suggested guidelines to enable States to adopt a harmonized approach in their preparations and reporting;

11. Stresses the importance of holding regional conferences on environment and development and urges the regional commissions of the United Nations to ensure that the results of these conferences are introduced into the preparatory process for the 1992 Conference and to participate actively in that process;

12. Urges the Secretary-General and the international community to take the necessary steps to ensure full and effective participation of developing countries especially the Least Developed Countries in the whole preparatory process and the conference itself;

13. Decides that the preparatory process and the conference itself should be funded through the regular budget of the United Nations without adversely affecting the ongoing activities;

14. Requests the Preparatory Committee to report to the forty-fifth session of the General Assembly on the progress of its work.
