UNITED NATIONS ACTIVITIES

UN/GA

Strengthening the Field of Environment

Readers will remember that in 1998 (see EPL Volume 28 at page 214), we reported on the United Nations Task Force on Environment and Human Settlements, within the overall framework of the UN reform process. We outlined its main recommendations, while at the same time naming the problems we foresaw regarding their implementation. Later (see Volume 29 at page 69), we noted in our report on the 20th Session of the UNEP Governing Council, that the longest discussion during the February Meeting, concerned the Task Force and its Recommendations; and that the UN General Assembly at its 53rd session had still to take a decision with regard to the restructuring of UNEP. Since then much has happened, culminating in the "revolutionary" recommendations to be found in UN/GA resolution 242, printed on page 250.

On 1 November, in Bonn, the Coordinator of the open-ended informal consultations of the General Assembly on the Report of the Secretary-General on Environment and Human Settlements, Ambassador Bagher Asadi (Iran), delivered his statement on the Report to the Fourth Meeting of the UNEP High-Level Committee of Ministers and High Officials.

This statement gives a very comprehensive overview of the problems encountered and the developments leading to UN/GA resolution 53/242, and is extracted below:

"The question arose of how to present the Report to the General Assembly; whether through a procedural letter of transmittal by the Secretary-General or through a separate report. The United Nations Steering Committee on Reform decided to present it to the General Assembly with a substantive assessment by the Secretary-General, which proved to have important implications for its prospective consideration by the intergovernmental body.

During the general discussion on the Report in the General Assembly in late November 1998, two overall approaches to the report and its provisions, including the procedure for prospective consideration, were discernible – which can be considered responsible for the rather slow pace of progress for a number of months. On the one hand, developed countries were generally supportive of the provisions of the Report, and in general, called for time-bound expeditious consideration of and decision on the Report. In a quite distinct approach, developing countries generally tended to emphasise the importance of the procedure and mechanism of the Report's consideration, leaving substantive commenting on its provisions to a later stage, pending decision on the procedure and mechanism of consideration."

Ambassador Asadi noted that the Report's consideration then continued in Nairobi at the 20th Session of the UNEP Governing Council. He said that the Secretary-General's message to the Session, with a clear request for recommendations, played an important role in the process. The report of the UNEP Executive Director, Klaus Töpfer, to the Session was similarly instrumental, particularly in drawing attention to the delineation by the Secretary-General of recommendations in the report according to the level at which action was required: "That question of delineation by the Secretary-General was itself a bone of contention, to be resolved later in the course of informal consultations that followed in the month of June 1999."

The Ambassador explained that the final outcome of the Nairobi meeting, *i.e.,* the "Views of the Governing Council," was clearly reflective of the state of negotiations in Nairobi – which did in general terms resemble those in the General Assembly a couple of months earlier. "I should add though that, in retrospect, the Governing Council views, and also a similar resolution adopted in mid-May by the Commission on Human Settlements, proved to be extremely useful to the process of the subsequent informal consultations on the report."

"In mid-April, the President of the General Assembly appointed the then Chairman of the Second Committee of the 53rd Session of the General Assembly as the Coordinator of the open-ended informal consultations of the General Assembly on the Secretary-General's Report to conduct negotiations with the participation of all interested delegations, with a view to producing a draft resolution with universal support.

The rest is history now. The final outcome of the process, that is, the adopted text of the resolution, indicates, in very clear terms, the consensus language that could have enjoyed universal acceptance by all the participants."

It may be of interest, he said, "that once the informal consultations got under way, there was no mention whatsoever of such a dichotomy as 'procedure and mechanism versus substance' or the 'Task Force Report versus the Secretary-General's report.' At that stage everybody came to the negotiating table well prepared – and more importantly, with the political will and resolution – to engage in real wheeling and dealing, with what I call a sense of objective pragmatism – and to get the job done, which was all but finished by the end of June. The process of informal consultations managed, in my view, to pair the two parallet sets of concerns and expectations which had marked – and I might say, marred – the previous stages of the report's consideration. It succeeded to allay and resolve a good number

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of concerns – in fact the major ones – respond to genuine expectations and, finally, to bridge the gap between the competing or conflicting views and outlooks.

Now, from a bird's eye view, it can be said with certainty that the provisions of the General Asembly resolution strengthen the institutions of the United Nations charged with responsibility for environment and human settlements. Let me just draw your attention to a number of provisions in this regard:"

Resolution 242 recommends, *inter alia*:
– Strengthening of the United Nations office in Nairobi through the provision of requisite support and stable, adequate and predictable financial resources and more effective utilisation of the Nairobi office
– Increased cooperation and coordination among UNEP and UNCHS activities
– Establishment of the Environmental Management Group (EMG)
– Instituting an annual ministerial level, global environmental forum
– Enhancing linkages and coordination within and among environment and environment-related conventions, including by the UNEP
– Increased participation by major groups
– Strengthening of the UNEP capacity in the areas of information, monitoring and assessment of trends
– Strengthening of capacity-building and technical assistance as an important component of the programme of work of UNEP
– Enhancing the role of UNEP as an implementing agency of GEF and the role of UNCHS in the implementation of the Habitat agenda."

"The fact that the General Assembly, as the highest universal intergovernmental body, adopted these provisions by consensus represents a higher degree of collective understanding of the United Nations activities in the field of environment and human settlements. It also represents a higher appreciation of the institutional and policy-making requirements for these activities. This resolution, as a balanced representation of all the major concerns of both developing and developed countries and as a unified vision for the future of the UN activities, is a major step forward in the direction of reform.

On the brink of the new millenium two major phenomena are discernible as regards environment. One deals with the reality; that is, the situation on the ground; traditional environmental problems have been much compounded by the emergence of new environmental problems and challenges of global proportions. The other relates to international response to these challenges. Here we have been witnessing a rather dizzying and yet ever-proliferating maze of institutions, arrangements and instruments dealing with the question of environment within the United Nations system. The reform process finds its very *raison d'etre* in this difficult and intractable situation and is supposed to remedy it to the extent possible. It is in such a context that the General Assembly resolution finds its place and relevance.

It is certain now that the process of reform in this very important area of multilateral work and cooperation has commenced in earnest. There is only one way to go, and that is forward. In trekking along this forward path the United Nations system, and in a wider sense, the international community as a whole, should muster the political will and utilise, enhance and make more coherent the existing institutional arrangements and intergovernmental agreements to the maximum extent possible to ensure achieving in the years and decades ahead universally agreed objectives in the field of environment and human settlements. A sharper focus in the UNEP's wide-ranging functions as regards environment and synergy and coordination with other environment-related arrangements, instruments and institutions is inevitable in this regard.

Various provisions of the resolution provide the political and legal basis and framework for the formulation of necessary policies and concrete practical measures in this direction. With this resolution the UNEP is in a position to play its paramount role in the United Nations system as regards the environmental dimension of sustainable development in the 21st century. What is needed is long-term visionary planning, requisite resources and most certainly, the usual most elusive of all, political will."

An extensive report on the negotiations leading up to UN/GA Resolution 242 will be printed in Vol. 30, No. 1. ❐

(*See also article on page 216*)